

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DARCY M. BLACK,

Plaintiff,

-vs-

BUFFALO MEAT SERVICE, INC., doing business
as BOULEVARD BLACK ANGUS, also known as
BLACK ANGUS MEATS, also known as
BLACK ANGUS MEATS & SEAFOOD,
ROBERT SEIBERT,
DIANE SEIBERT,
KEEGAN ROBERTS,

Defendants.

Examination Before Trial of

PATRICK HOWELLS, taken pursuant to the Federal Rules of
Civil Procedure, in the law offices of GRECO TRAPP, PLLC,
1700 Rand Building, 14 Lafayette Square, Buffalo, New York,
taken on February 19, 2018, commencing at 9:26 A.M., before
MARY ANN MORETTA, Notary Public.

INDEX TO EXHIBITS

Exhibits For Identification

294	Subpoena to Testify at a Deposition in a Civil Action, Plaintiff's Amended Notice to Take Deposition of Patrick Howells on February 19, 2018, dated and signed by Josephine A. Greco, Esq. on February 2, 2018 and Certificate of Service by U.S. Mail sworn to and signed by Daylyn T. Blackman on February 2, 2018, and Amended Certificate of Service by U.S. Mail sworn to and signed by Daylyn T. Blackman on February 16, 2018 (7pp.) (Not Bates)	5
264 (1)	Remarked Exhibit 264	9

1 APPEARANCES:

2 GRECO TRAPP, PLLC,
3 By JOSEPHINE A. GRECO, ESQ.,
4 1700 Rand Building,
5 14 Lafayette Square,
6 Buffalo, New York 14203,
7 Appearing for the Plaintiff.

8 BARCLAY DAMON LLP,
9 By MEGAN E. BAHAS, ESQ.,
10 The Avant Building, Suite 1200,
11 200 Delaware Avenue,
12 Buffalo, New York 14202,
13 Appearing for the Defendants.

14 PRESENT: Darcy Black
15 Keegan Roberts
16 Kaitlyn Lauber

17 (The following stipulations were entered
18 into by both parties.)

19 It is hereby stipulated by and between counsel
20 for the respective parties that the oath of the
21 Referee is waived, that signing, filing and
22 certification of the transcript are waived, and
23 that all objections, except as to the form of the
questions, are reserved until the time of trial.

24 P A T R I C K H O W E L L S,
25 3444 Murphy Road, Newfane, New York 14108,

1 after being duly called and sworn,
2 testified as follows:

3
4 EXAMINATION BY MS. GRECO:

5
6 Q. Hi, Mr. Howells. I'm Josephine Greco and I
7 represent Darcy Black with an action she has
8 brought against Black Angus Meat and several
9 principals. Okay.

10 Today we are going to take your deposition.
11 Have you ever given a deposition before?

12 A. No.

13 Q. All right. Some of the basic rules. We have a
14 court reporter. She types everything that we
15 say. The reason is, when this case goes to trial
16 and we are in Federal Court and the witness goes
17 on the stand, whoever gave a deposition, either
18 attorney can use that deposition relative to
19 questioning that witness. So it's important that
20 it's accurate. It can be used for other reasons,
21 like in different motions, but it's your sworn
22 testimony, so it will be used throughout this
23 case in different ways. So we want to make sure

1 the court reporter can hear the question, type
2 it, that you understand the question and then you
3 answer it to the best of your ability.

4 The court reporter can't take down nonverbal
5 responses. What that means is nodding your head
6 or uh-huh. So you have to articulate your answer
7 by saying either yes or no or whatever the answer
8 is, so that she can type it. All right?

9 The other thing is we have to not interrupt
10 each other. It's very hard for her to type two
11 people talking at the same time. So what I would
12 ask you is to wait until I finish my question and
13 I will wait until you finish your answer. All
14 right?

15 A. Okay.

16 MS. GRECO: And can you mark this as Exhibit 294.

17
18 (Whereupon, a Subpoena to Testify at a
19 Deposition in a Civil Action, Plaintiff's Amended
20 Notice to Take Deposition of Patrick Howells on
21 February 19, 2018, dated and signed by Josephine
22 A. Greco, Esq. on February 2, 2018, and
23 Certificate of Service by U.S. Mail sworn to and

1 signed by Daylyn T. Blackman on February 2, 2018,
2 and Amended Certificate of Service by U.S. Mail
3 sworn to and signed by Daylyn T. Blackman on
4 February 16, 2018 (7pp.) (Not Bates), were then
5 received and marked as Exhibit 294, for
6 identification.)

7
8 BY MS. GRECO:

9 Let me show you what's been marked as Exhibit
10 294, which, for the record, is a Subpoena to
11 Testify at a Deposition in the Civil Action;
12 Plaintiff's Amended Notice to Take the Deposition
13 of Patrick Howells on February 19th, 2018, dated
14 and signed by Josephine Greco on February 2,
15 2018; and an Amended Certificate of Service
16 relative to sending to opposing counsel.

17 So, Mr. Howells, my question is, were you
18 served with this Subpoena and Notice to Take a
19 Deposition?

20 A. It was in my mailbox.

21 Q. Okay. You received it by mail. Was it also
22 tacked to your door?

23 A. No. It was attached to my mailbox.

1 Q. And you received it?

2 A. Correct.

3 Q. Did you read it?

4 A. Yes.

5 Q. Okay. And in the Subpoena it states -- if you go
6 to the fourth page, it says Exhibit A -- before
7 we get to that. Are you being represented by
8 counsel today?

9 A. No.

10 Q. Okay. And on Exhibit A it states, please bring
11 to the deposition the following documents. Do
12 you see that then it defines documents pursuant
13 to 34(a) of the Federal Rules of Civil Procedure
14 are defined as documents --

15 MS. BAHAS: He's not on Exhibit A.

16 MS. GRECO: It says Exhibit A at the top.

17 THE WITNESS: Okay.

18 BY MS. GRECO:

19 Q. And when you received the Subpoena, did you read
20 this?

21 A. Yes.

22 Q. Okay. And do you have any W-2's, 1099 or any
23 other form of tax documentation from Black Angus

1 Meat or anyone who owns Black Angus Meat?

2 A. No.

3 Q. Okay. And do you have any documentation
4 reflecting any type of compensation, wages,
5 benefits, any type of money received in any
6 manner or in kind things -- you know what in kind
7 means?

8 A. Yes.

9 Q. From anyone at Black Angus Meat, meaning any of
10 the named Defendants you see on the top, that
11 would be Keegan Roberts, Diane Seibert, Robert
12 Seibert or Black Angus Meat?

13 A. No.

14 Q. And did you have in your possession any job
15 application, work schedule, time cards,
16 performances, notice of pay increases, any of the
17 things listed there?

18 A. No.

19 Q. And do you have any documents or anything in your
20 possession relative to Darcy Black?

21 A. No.

22 Q. Do you have anything in your possession regarding
23 Robert Seibert, Diane Seibert, Keegan Roberts or

1 Black Angus Meats?

2 A. No.

3 MS. GRECO: Okay. Before we go on, for the record,
4 counsel, Defendants and I have agreed to remark
5 original Exhibit 264 -- strike that.

6 Inadvertently, we have marked two exhibits as
7 Exhibit 264. So counsel for defense and I have
8 agreed to remark one of those exhibits. So for
9 the record, we are remarking Exhibit 264, which
10 is the W-2 report for 2010 for Eric Seneca from
11 Black Angus Meat as Exhibit 246 -- or, I'm sorry,
12 264 paren, 1, paren.

13

14 (Whereupon, Exhibit 264 was then received
15 and remarked as Exhibit 264(1), for
16 identification.)

17

18 BY MS. GRECO:

19 Q. Thank you. Mr. Howells, where do you reside now?

20 A. Newfane, New York.

21 Q. What's your address?

22 A. 3444 Murphy Road.

23 Q. Your present telephone number?

1 A. 423-0178.

2 Q. How long have you resided there?

3 A. Nine years.

4 Q. So that would be approximately 2009 or 2008?

5 A. Yeah.

6 Q. Is that your only residence?

7 A. Yes.

8 Q. Prior to residing at 3444 Murphy Road, where did
9 you reside?

10 A. 42 Parkwood.

11 Q. Is that Avenue or Street?

12 A. Avenue.

13 Q. Where is that?

14 A. Kenmore.

15 Q. How long did you reside there?

16 A. Say twelve years.

17 Q. Is that approximately 1996?

18 A. Yes.

19 Q. To approximately 2000 -- where did you reside
20 before then?

21 A. 36 Parkwood.

22 Q. How long did you reside there?

23 A. That's where I grew up. That's where I was born.

1 Q. So since birth?

2 A. Since '67.

3 Q. What is your date of birth?

4 A. 11/3/67.

5 Q. How old are you now?

6 A. I'm fifty.

7 Q. And for the record, are you a Caucasian male?

8 A. Yes.

9 Q. Are you married?

10 A. No.

11 Q. Were you ever married?

12 A. Pardon?

13 Q. Were you ever married?

14 A. Yes.

15 Q. What years were you married?

16 A. I got divorced nine years ago.

17 Q. Approximately 2008 to 2009?

18 A. Married eight years.

19 Q. So did you get married in 1999 or 2000?

20 A. Yeah.

21 Q. To whom were you married?

22 A. Pardon?

23 Q. To whom were you married?

1 A. Lynn Strusa.

2 Q. Can you spell that.

3 A. S-T-R-U-S-A.

4 Q. And where does she reside?

5 A. I don't know.

6 Q. Is she still in Western New York?

7 A. I believe so, yes.

8 Q. After you were married, did she take her maiden
9 name back?

10 A. I don't know.

11 Q. Do you have any children?

12 A. None that I know of.

13 Q. And during your marriage, where was Lynn Strusa
14 employed?

15 A. Frontier Science.

16 Q. What is Frontier Science?

17 A. It's an AIDS research foundation.

18 Q. What position does she hold?

19 A. I really don't know the title.

20 Q. Do you know what she did?

21 A. She worked on a computer and people -- their
22 names wouldn't come in, it would be like in a
23 letter code and update, whatever that is.

1 Q. Did she work there the whole time you were
2 married?

3 A. Yes.

4 Q. Okay. Where is Frontier Science located?

5 A. I believe on Maple Road.

6 Q. Is that Amherst or Williamsville?

7 A. I think Amherst.

8 Q. Did she ever work at Black Angus Meat?

9 A. No.

10 Q. Are you from Western New York?

11 A. Yes.

12 Q. And where did you go to high school?

13 A. Kenmore West.

14 Q. Did you graduate?

15 A. Yes.

16 Q. What year?

17 A. '86.

18 Q. Were you working before graduation anywhere?

19 A. No.

20 Q. So no part-time work or anything before you
21 graduated?

22 A. No.

23 Q. What did you do after you graduated?

1 A. I went to Daemen College, one year.

2 Q. What did you major in?

3 A. Physical therapy.

4 Q. Did you complete that program?

5 A. No.

6 Q. Why did you leave school?

7 A. Pardon?

8 Q. Why did you leave school?

9 A. Lack of funds.

10 Q. How were you performing in the physical therapy
11 program?

12 A. Pardon?

13 Q. How were you performing in the physical therapy
14 program? I mean, were you successful in
15 completing your courses or were you having
16 difficulties?

17 A. I had no problem.

18 Q. Okay. What did you do when you left Daemen
19 College?

20 A. Started working construction.

21 Q. Where did you work construction?

22 A. Profile Concrete.

23 Q. Okay. How long did you work there?

1 A. Fifteen years.

2 Q. Help me out. From when to when? Like when did
3 you last work there?

4 A. Maybe '90 to 2005.

5 Q. You said you graduated high school in 1986, June
6 of '86, then you did a year of college, that
7 would be June of '87. Did you do anything
8 between June of '87 and 1990 when you started at
9 Profile Concrete?

10 A. Before that?

11 Q. Yes.

12 A. I worked at Sher-Del Foods.

13 Q. And what did you do there?

14 A. Just clean up.

15 Q. And --

16 A. I would come in after classes and just do
17 cleanup.

18 Q. Once you finished school -- you said you stopped
19 going to college in approximately June of '87.
20 So from the time you stopped going to college in
21 June of '87 until you started construction at
22 Profile Concrete in 1990, what did you do?

23 A. Working at Sher-Del Foods.

1 Q. So you were full-time there?

2 A. Not in the beginning.

3 Q. You were part-time?

4 A. Not when I was going to college.

5 Q. Okay. So during that year you went to college
6 for physical therapy, you also worked at Sher-Del
7 Foods?

8 A. It was always part-time.

9 Q. Did you ever get a full-time position there?

10 A. No.

11 Q. How did you get your position at Sher-Del Foods?

12 A. My father worked there.

13 Q. Why did you leave Sher-Del Foods?

14 A. To get in the construction business, to make more
15 money.

16 Q. Do you remember what you were making at Sher-Del
17 Foods?

18 A. No.

19 Q. In construction for Profile Concrete, what was
20 your position?

21 A. Laborer.

22 Q. Was it a union or non-union shop?

23 A. Non-union.

1 Q. And was that a job that -- tell me what you did
2 as a laborer.

3 A. Rake stone, rake concrete, set forms.

4 Q. What was the address of Profile Concrete?

5 A. I don't know. They are out of Lockport.

6 Q. Is it an ongoing business today?

7 A. I have no idea.

8 Q. And when did -- why did you leave Profile
9 Concrete?

10 A. They were going in a different direction and
11 getting out of the concrete field.

12 Q. What do you mean by going in a different
13 direction?

14 A. They were more doing site work.

15 Q. Did they get rid of all their laborers -- strike
16 that. Did you resign or did they terminate you?

17 A. They didn't bring me back for the next season, so
18 termination.

19 Q. Can you tell me how that would work when you say
20 didn't bring you back for the next season?

21 A. Never got a callback.

22 Q. And starting when you first started in 1990 -- I
23 believe you said you were there about fifteen

1 years?

2 A. Yeah.

3 Q. How would it work? What would be the regular
4 season that you would work?

5 A. It would all depend on the weather.

6 Q. Give me an idea how it worked.

7 A. Beginning of April, ending late November, early
8 December.

9 MS. GRECO: I'm sorry. Can you read when he said it
10 ended?

11 (Whereupon, the above-requested answer was
12 then read back by the reporter.)

13 THE WITNESS: Starting in April, then finishing in
14 late November, early December.

15 BY MS. GRECO:

16 Q. Was that dependent on the weather?

17 A. Yes.

18 Q. When we had the October storm, for example, was
19 that an early winter?

20 A. No. It would be a week off, whatever, until we
21 got going again.

22 Q. And what would happen in late November or early
23 December -- strike that. What would happen at

1 the end of the season each year?

2 A. We would stop working.

3 Q. Okay. And how did that happen?

4 A. Lack of work.

5 Q. Would you get a notice? How would you know that
6 you were not going to be working any longer for
7 that season?

8 A. Due to the weather.

9 Q. So would --

10 A. We wouldn't pour concrete under thirty-two
11 degrees.

12 MS. BAHAS: Do all these questions relate to Profile?

13 MS. GRECO: Yes.

14 BY MS. GRECO:

15 Q. And let's look in particular to the years 2004,
16 2005. During the -- when the season would end,
17 what would you do?

18 A. Collect Unemployment.

19 Q. Okay. How long would Unemployment --

20 A. Pardon?

21 Q. Is there a time period that Unemployment would
22 cover? Would it go from season to season or how
23 does that work?

1 A. I believe it's twenty-four weeks.

2 Q. Were there some years when there were extensions
3 given?

4 A. Yes, but I never had them.

5 Q. And so what did you do after you were not called
6 back for work in 2005 at Profile Concrete?

7 A. I went to HyTech Concrete.

8 Q. Can you spell that. H-I-G-H?

9 A. H-Y, dash, T-E-C-H.

10 Q. Where is that located?

11 A. Newfane, New York.

12 Q. And how long did you work there?

13 A. Started the year I ended with Profile and worked
14 there seven, eight years.

15 Q. So that would be approximately 2012 or 2013?

16 A. I would say 2013.

17 Q. Okay. And what position did you hold there?

18 A. Concrete foreman.

19 Q. Was that the first time you were in a foreman
20 position?

21 A. No.

22 Q. Okay. Did there come a time when you were at
23 Profile Concrete that you became a foreman?

1 A. Yes.

2 Q. When was that?

3 A. I would say the last three years I was there.

4 Q. Okay. And what were you doing as a foreman at
5 Profile Concrete?

6 A. Laid out blueprint work.

7 Q. Would you also pour concrete?

8 A. Yes.

9 Q. So you would do the labor plus the foreman job?

10 A. And the finishing.

11 Q. There's something that's called like a working
12 foreman versus someone --

13 A. Correct.

14 Q. -- that just does supervision, so to speak.
15 Would you consider yourself to be a working
16 foreman?

17 A. Yes.

18 Q. At Hy-Tech Concrete, were you also a working
19 foreman?

20 A. Yes.

21 Q. And at Hy-Tech Concrete, was your job also --
22 strike that. At Hy-Tech Concrete, were you also
23 laid off during the -- strike that. What do you

1 call the season when you were laid off? Was
2 there a name for it?

3 A. Just seasonal work.

4 Q. So what season do you call it when you are laid
5 off? Is there a way that someone in the concrete
6 business would refer to it?

7 A. It just varies on the weather pretty much.

8 Q. Would they call it winter layoff? What do you
9 call it? Do you just say --

10 A. Laid off.

11 Q. So during the -- was there a time period on an
12 annual basis when you would be laid off from
13 Hy-Tech Concrete?

14 A. It varied every year.

15 Q. Okay. But there would be a period of time?

16 A. Yes.

17 Q. And would that period of time be the same period
18 of time as at Profile Concrete? By that, I mean
19 you said April -- approximately April to late
20 November, early December.

21 MS. BAHAS: Objection to form.

22 BY MS. GRECO:

23 Q. If you know. Strike that. When would you be

1 laid off at Hy-Tech Concrete?

2 A. Varied on the weather.

3 Q. And generally, when would it be then?

4 A. Beginning two weeks or so in April, finishing
5 late November, early December.

6 Q. And what were your hours of work at Hy-Tech
7 Concrete?

8 A. It varied every week.

9 Q. Would you work a minimum of forty hours or --
10 strike that.

11 A. I mean, it could rain for two, three days, you
12 wouldn't get forty hours, or it would be nice and
13 you would get fifty hours.

14 Q. So it would depend on the weather?

15 A. Yes.

16 Q. Did you have any benefits associated with Hy-Tech
17 Concrete?

18 MS. BAHAS: Objection to form.

19 BY MS. GRECO:

20 Q. Did you have any employment benefits while
21 employed at Hy-Tech Concrete?

22 A. I had medical for the first three years, then
23 they took it away.

1 Q. Anything else?

2 A. Pardon?

3 Q. Anything else? Any other benefits besides
4 medical?

5 A. No.

6 Q. Vacation, did you have vacation benefits?

7 A. No.

8 Q. Did you have sick time benefits?

9 A. No.

10 Q. Did you have personal time benefits?

11 A. No.

12 Q. Did you have something call PTO?

13 A. No.

14 Q. Did you have any other form of insurance?

15 A. No.

16 Q. Did you have any benefits at Profile Concrete?

17 A. No.

18 Q. Why did you leave Hy-Tech Concrete?

19 A. They brought back the old foreman.

20 Q. Just so I understand, so you were there for
21 approximately eight years and they brought back
22 the person that was the foreman before you?

23 A. Correct.

1 Q. Do you know why they brought the old foreman
2 back?

3 A. What I was told, he had better knowledge of
4 commercial jobs that they were leaning to.

5 Q. So what did you do after that?

6 A. I still worked there.

7 Q. Okay. So you are still at Hy-Tech Concrete?

8 A. No.

9 Q. Let's backtrack. You were at Hy-Tech Concrete
10 from 2005 to 2013, approximately?

11 A. Yes.

12 Q. You were a foreman and they replaced you with the
13 old foreman who had been the foreman prior to you
14 becoming a foreman, is that true?

15 A. Yes.

16 Q. So what did you do after working for Hy-Tech
17 Concrete?

18 A. I worked for Faery Concrete.

19 Q. Can you spell that.

20 A. F-A-E-R-Y.

21 Q. Where is that located?

22 A. Ransomville.

23 Q. What -- when did you start working there?

1 A. At the end of Hy-Tech.

2 Q. Okay. Was it right after Hy-Tech?

3 A. Yes.

4 Q. What position -- what position or positions have
5 you held at Faery Concrete?

6 A. Concrete foreman.

7 Q. Are you still employed there now?

8 A. Yes.

9 Q. What is your rate of pay right now -- strike
10 that. Are you on layoff now?

11 A. Yes.

12 Q. How long have you been laid off?

13 A. Say, beginning of December.

14 Q. Are you the last one to be laid off, so to speak,
15 because you are the foreman?

16 A. No.

17 Q. So they can have laborers working without you as
18 a foreman?

19 A. No. We would all be laid off pretty much the
20 same time.

21 Q. I ask questions. I don't know the answers. Are
22 you on Unemployment now?

23 A. Yes.

1 Q. Who's your supervisor now?

2 MS. BAHAS: Form.

3 BY MS. GRECO:

4 Q. Who was your supervisor at Faery Concrete?

5 A. Bill Faery. He's the owner.

6 Q. Okay. And when you worked at Hy-Tech Concrete,
7 who was your supervisor?

8 A. Bubby Pollack.

9 Q. P-O-L-L-A-C-K. Was it Bubby?

10 A. B-U-B-B-Y.

11 Q. Okay. Was he an owner?

12 A. Yes.

13 Q. Have you ever been convicted of a crime?

14 A. No.

15 Q. Are you related to anyone -- strike that. Are
16 you related to Diane Seibert?

17 A. No.

18 Q. Robert Seibert?

19 A. No.

20 Q. Keegan Roberts?

21 A. No.

22 Q. Thomas Howells?

23 A. Yes.

1 Q. And what is he?

2 A. He's my father.

3 Q. Christopher Howells?

4 A. Yes.

5 Q. What is he?

6 A. My brother.

7 Q. In your employment -- any of the employment
8 you've described to us, how were you paid?

9 A. By check.

10 Q. By check?

11 A. Yes.

12 Q. That would be a check from the company?

13 A. Yes.

14 Q. And at the end of the year would you receive any
15 documents -- strike that. Would you receive an
16 annual document relative to the work you had
17 performed, your wages for tax purposes?

18 A. Yes.

19 Q. What was that?

20 A. 1099.

21 Q. Did you get a 1099 or W-2?

22 A. W-2. I'm sorry.

23 Q. Have you ever received a 1099 from anyone you did

1 work for?

2 A. No.

3 Q. You would use a W-2 relative to filing your
4 taxes?

5 A. Yes.

6 Q. You would file your taxes annually?

7 A. Yes.

8 Q. As a foreman, would you have to maintain time
9 records or approve time records for the employees
10 you supervise?

11 A. No.

12 Q. Who would do the time records?

13 A. Bill Faery.

14 Q. At Faery, it would be Bill Faery. And how about
15 at your other company?

16 A. They had a time clock.

17 Q. Hy-Tech -- I'm sorry. Profile Concrete -- no --
18 strike that. At Faery Concrete, the records you
19 said would be maintained by Bill Faery?

20 A. Yes.

21 Q. At Hy-Tech Concrete, who would the records be
22 maintained by?

23 A. We had a time clock. The secretary would.

1 Q. Okay. At Profile Concrete?

2 A. The owner.

3 Q. Okay. And how would you get paid each week?

4 A. Company check.

5 Q. Would it be handed to you, mailed to you?

6 A. Handed.

7 Q. At any of the companies that you have told us you
8 worked for -- strike that. Did you ever work
9 during the non-season at any time -- strike that.
10 Did you ever work during your non-season at any
11 time you were employed at Faery Concrete, Hy-Tech
12 Concrete or Profile Concrete?

13 MS. BAHAS: Objection to form.

14 BY MS. GRECO:

15 Q. Strike that. Did you ever work -- strike that.
16 Do you understand what the non-season means?

17 A. Yes.

18 Q. Okay. What does that mean to you?

19 A. The time I was laid off.

20 Q. Right. Did you ever work anywhere during the
21 time you were laid off from Profile Concrete?

22 A. No.

23 Q. Did you ever work anywhere during the time you

1 were laid off from Hy-Tech Concrete?

2 A. No.

3 Q. Did you ever work anywhere during the time you
4 were laid off from Faery Concrete?

5 A. No.

6 Q. Why did you not work?

7 A. Because I had a job. It's a seasonal job.

8 Q. And is it also because you were receiving
9 Unemployment benefits?

10 A. Yes.

11 Q. What is your understanding when receiving
12 Unemployment benefits about your ability to work?

13 A. I don't understand.

14 Q. When you receive Unemployment benefits, did you
15 have to verify on a regular basis that you were
16 not working anywhere else?

17 A. No.

18 Q. Is it your understanding that in order to receive
19 Unemployment benefits you had to not be working
20 somewhere else during the time you were getting
21 the benefits?

22 A. Correct.

23 Q. Okay. Do you know Robert Seibert?

1 A. Yes.

2 Q. When did you first meet him?

3 A. I can't give you a specific date.

4 Q. Can you tell me what year you met him?

5 A. No.

6 Q. Can you tell me approximately how long you've
7 known him?

8 A. I would say maybe ten years.

9 Q. Do you know -- is your father employed by Robert
10 Seibert?

11 A. Yes.

12 Q. Do you know when your father began employment
13 there?

14 A. No.

15 Q. Have you known Robert Seibert since your father
16 began employment there?

17 A. That's what I meant.

18 Q. How long after your father started working there
19 did you meet him?

20 A. I don't know.

21 Q. Would you have met Robert Seibert soon after your
22 father started working there?

23 MS. BAHAS: Objection to form.

1 THE WITNESS: I don't know.

2 BY MS. GRECO:

3 Q. How did it come about you met Robert Seibert?

4 A. Through my dad.

5 Q. How through your dad -- strike that. Can you
6 tell us, to the best of your recollection, what
7 you recall from the first time you met Robert
8 Seibert?

9 A. Stopped in to see my dad and being introduced to
10 him.

11 Q. Did you ever become personal friends with Robert
12 Seibert?

13 MS. BAHAS: Objection to form.

14 THE WITNESS: We were friends.

15 BY MS. GRECO:

16 Q. When you say friends, did you socialize together?

17 A. No.

18 Q. Did you --

19 A. By socialize, go out and hang out?

20 Q. Yes. I'm trying to find out if he was a personal
21 friend or just someone you knew through Black
22 Angus Meat.

23 A. Someone I knew.

1 Q. That was someone you knew through Black Angus
2 Meat?

3 A. Yes.

4 Q. And I forgot to ask this. Did you speak to
5 counsel for Black Angus Meat at any time before
6 you started testifying today?

7 A. No.

8 Q. Did you speak to anyone from Black Angus Meat --

9 A. No.

10 Q. Wait. Let me finish. Did you speak to anyone
11 after you received the Subpoena in this case?

12 A. No.

13 Q. I meant, did you speak to anyone regarding your
14 testimony?

15 A. No.

16 Q. Did you speak to -- at any time from May of 2010
17 to the present, have you spoken to anyone at
18 Black Angus Meat regarding Darcy Black?

19 A. My father.

20 Q. Okay. And when did you speak to him?

21 A. Couple weeks ago, said I might be getting
22 subpoenaed.

23 Q. How many times did you speak to him regarding --

1 A. Once.

2 Q. Do you recall where you spoke to him?

3 A. His house.

4 Q. Can you tell me, as best you can recall, what was
5 said?

6 A. Might be getting subpoenaed.

7 Q. Did he tell you why?

8 A. No.

9 Q. Did you ask him why?

10 A. Yes.

11 Q. What did he say?

12 A. About Darcy having a case against Black Angus.

13 Q. What did he tell you specifically about Darcy
14 having a case against Black Angus?

15 A. That was it.

16 Q. Did you ask him why you were being subpoenaed?

17 A. He didn't have an answer.

18 Q. What do you mean by he didn't have an answer?

19 What was your question and what was his response?

20 A. My question was why and he said he didn't know.

21 Q. Can you tell me anything else you remember from
22 your conversation with your father regarding
23 Darcy Black and Black Angus Meat?

1 A. That was it.

2 Q. Did you call anyone at Black Angus Meat to find
3 out how you were involved in this lawsuit?

4 A. No.

5 Q. You didn't call our firm, right?

6 A. Correct.

7 Q. Why do you think you are here?

8 A. Something that she is claiming happened at Black
9 Angus Meat.

10 Q. Do you have any idea what it is --

11 A. No.

12 Q. -- that Darcy Black is claiming that happened at
13 Black Angus Meat?

14 A. No.

15 Q. Going back to Robert Seibert -- is that the only
16 conversation you had with anyone regarding Darcy
17 Black?

18 A. Yes.

19 Q. Did you have any conversation with your brother,
20 Christopher Howells, regarding Black Angus Meat?

21 A. No.

22 Q. Did you have any conversation with Keegan
23 Roberts --

1 A. No.

2 Q. -- regarding Black Angus Meat?

3 A. No.

4 Q. Did you have any conversation with Diane Seibert
5 regarding Black Angus Meat?

6 A. No.

7 Q. Did you have any conversations with Debbie
8 Negrych regarding Black Angus Meat?

9 A. No.

10 Q. Okay. So in regard to Robert Seibert, you said
11 you knew him through Black Angus Meat?

12 A. Yes.

13 Q. Okay. And on how many occasions have you been at
14 Black Angus Meat -- strike that. Have you ever
15 met Darcy Black before today?

16 A. Yes.

17 Q. Where did you meet her?

18 A. Black Angus.

19 Q. When did you first meet her?

20 A. I don't recall.

21 Q. Do you recall Darcy Black working in the pack
22 room at Black Angus Meat?

23 MS. BAHAS: Objection to form.

1 BY MS. GRECO:

2 Q. You can answer.

3 A. Pardon?

4 Q. You can answer.

5 A. I don't know her title or --

6 Q. I'm just asking, do you recall Darcy Black
7 working in the pack room at Black Angus Meat at
8 any time?

9 MS. BAHAS: Objection to form.

10 BY MS. GRECO:

11 Q. You can answer.

12 A. I'm not sure about pack room.

13 Q. Or what --

14 A. She was in the building.

15 Q. Where in the building?

16 A. There were front rooms and back rooms.

17 Q. I'm going to show you what's been marked as
18 Exhibit 236. Do you recognize that building?

19 A. Yes.

20 Q. What is it?

21 A. Black Angus Meats.

22 Q. And did you ever see a help-wanted sign on the
23 building of Black Angus Meat?

1 A. No.

2 Q. At any time that you ever went to Black Angus
3 Meat, did you see a help-wanted sign?

4 A. No.

5 Q. And let me show you Exhibit 237. Do you
6 recognize that document?

7 A. Yes.

8 Q. What is it?

9 A. The front of the store.

10 Q. Okay. And how many times since your father
11 started working at Black Angus Meat do you think
12 you've been at the front of the store at Black
13 Angus Meat -- strike that. How many times have
14 you been at Black Angus Meat anywhere on the
15 property, the business property that I showed
16 you, meaning in the building, anywhere in the
17 building on the Boulevard? Have you been there
18 from the time your father started working there
19 through the present?

20 MS. BAHAS: Objection to form.

21 MS. GRECO: I'll rephrase it.

22 BY MS. GRECO:

23 Q. On how many occasions have you physically been in

1 Black Angus Meats' business property which would
2 include Exhibit 236 -- strike that. I'll give
3 you a better picture. Let me show you what's
4 been marked as Exhibit 241. Do you recognize
5 that document?

6 A. Yes.

7 Q. Okay. Do you recognize that as Black Angus Meat
8 located at 2519 Niagara Falls Boulevard?

9 A. Yes.

10 Q. Okay. On how many occasions have you been at
11 Black Angus Meats, any of the buildings that it
12 has on 2519 Niagara Falls Boulevard, from the
13 time your father started working there to the
14 present?

15 A. I can't give you a specific answer.

16 Q. Okay. More than once?

17 A. Yes.

18 Q. More than ten times?

19 A. Yes.

20 Q. More than a hundred times?

21 A. I don't think so, no.

22 Q. Okay. So let's go during the time my client was
23 at Black Angus Meat. When did you first meet

1 her?

2 MS. BAHAS: Objection to form.

3 BY MS. GRECO:

4 Q. You said you met Darcy Black at Black Angus Meat.

5 Okay. When you met her, how was it that you met
6 her?

7 A. By visiting my dad.

8 Q. And what was your father doing at that time?

9 A. Cutting meat.

10 Q. Where was he cutting meat?

11 A. In the front of the store.

12 Q. Okay. Is that where the butcher block is, in the
13 front of the store?

14 A. Yes.

15 Q. Where was Darcy Black?

16 A. Working in the store.

17 Q. Was she working in the front of the store?

18 A. I've seen her in the front of the store. I've
19 seen her in the back of the store.

20 Q. I would like to concentrate now in the year 2007,
21 2008, 2009 and up to May of 2010. Do you recall
22 seeing Darcy Black at Black Angus Meat during the
23 year 2007?

1 A. If she worked there and I stopped in, I wouldn't
2 always see her or see some people there.

3 Q. Do you have a recollection of how often you saw
4 Darcy Black at Black Angus Meat in the year 2007?

5 A. No.

6 Q. More than once?

7 A. Yes.

8 Q. More than ten times?

9 A. No.

10 Q. Okay. In the year 2008, on how many occasions
11 did you see Darcy Black at Black Angus Meat?

12 A. I don't have an answer.

13 Q. More than one occasion?

14 A. Yes.

15 Q. More than ten occasions?

16 A. No.

17 Q. In the year 2009, on how many occasions did you
18 see Darcy Black at Black Angus Meat?

19 A. More than once, less than ten.

20 Q. Okay. And up to May of 2010 -- during the year
21 2010, January 1st through May 25th, 2010, on how
22 many occasions did you see Darcy Black at Black
23 Angus Meat?

1 A. More than once, less than ten.

2 Q. Okay. In the year 2007, on how many occasions
3 did you see Keegan Roberts at Black Angus Meat?

4 A. I don't know.

5 Q. More than once?

6 A. Yes.

7 Q. More than ten times?

8 A. No.

9 Q. In 2008, how many times did you see Keegan
10 Roberts at Black Angus Meat?

11 A. More than once, less than ten.

12 Q. In the year 2009, how many times did you see
13 Keegan Roberts at Black Angus Meat?

14 A. More than once, less than ten.

15 Q. From January 1st, 2010 to May 25th, 2010, on how
16 many occasions did you see Keegan Roberts at
17 Black Angus Meat?

18 A. More than once, less than ten.

19 Q. In the year 2007, on how many occasions did you
20 see your father, Thomas Howells, at Black Angus
21 Meat?

22 A. More than once, less than ten.

23 Q. In the year 2008, on how many occasions did you

1 see your father, Thomas Howells, at Black Angus
2 Meat?

3 A. More than once, less than ten.

4 Q. In the year 2009, how many times did you see your
5 father, Thomas Howells, at Black Angus Meat?

6 A. More than once, less than ten.

7 Q. From January 1st, 2010 to May 25th, 2010, on how
8 many occasions did you see your father, Thomas
9 Howells, at Black Angus Meat?

10 A. More than once, less than ten.

11 Q. Okay. In the year 2007, on how many occasions
12 did you see Robert Seibert at Black Angus Meat?

13 A. More than once, less than ten.

14 Q. In the year 2008, on how many occasions did you
15 see Robert Seibert at Black Angus Meat?

16 A. More than once, less than ten.

17 Q. In the year 2009, on how many occasions did you
18 see Robert Seibert at Black Angus Meat?

19 A. More than once, less than ten.

20 Q. From January 1st, 2010 to May 25th, 2010, on how
21 many occasions did you see Robert Seibert at
22 Black Angus Meat?

23 A. More than once, less than ten.

1 Q. Do you know an individual by the name of William
2 Frase, also called Turtle?

3 A. Yes.

4 Q. In the year 2007, on how many occasions, if any,
5 did you see William Frase at Black Angus Meat?

6 A. More than once, less than ten.

7 Q. In the year 2008, on how many occasions did you
8 see William Frase at Black Angus Meat?

9 A. More than once, less than ten.

10 Q. In the year 2009, on how many occasions did you
11 see William Frase at Black Angus Meat?

12 A. More than once, less than ten.

13 Q. From January 1st, 2010 to May 25th, 2010, on how
14 many occasions did you see William Frase at Black
15 Angus Meat?

16 A. More than once, less than ten.

17 Q. Okay. Do you know an individual named David
18 Monopolus, M-O-N-O-L-O-P-O-L-U-S?

19 A. Yes.

20 Q. And who is he?

21 A. A friend of my father's.

22 Q. And in the year 2007, on how many occasions, if
23 at all, did you see David Monopolus at Black

1 Angus Meat?

2 A. None.

3 Q. In 2008, on how many occasions did you see David
4 Monopolus at Black Angus Meat?

5 A. None.

6 Q. In 2005, on how many occasions did you see David
7 Monopolus at Black Angus Meat?

8 A. None.

9 Q. In 2006, on how many occasions did you see David
10 Monopolus at Black Angus Meat?

11 A. None.

12 Q. In 2008, on how many occasions, if any, did you
13 see David Monopolus at Black Angus Meat?

14 A. None.

15 Q. In 2009, on how many occasions, if any, did you
16 see David Monopolus at Black Angus Meat?

17 A. None.

18 Q. In 2010, on how many occasions did you see David
19 Monopolus at Black Angus Meat?

20 A. None.

21 Q. To your knowledge, is David Monopolus a
22 butcher?

23 A. Yes.

1 Q. In the year 2007, on how many occasions, if at
2 all, did you see Debbie Negrych at Black Angus
3 Meat?

4 A. More than once, less than ten.

5 Q. In the year 2008, on how many occasions did you
6 see Debbie Negrych at Black Angus Meat?

7 A. More than once, less than ten.

8 Q. In 2009, on how many occasions did you see Debbie
9 Negrych at Black Angus Meat?

10 A. More than once, less than ten.

11 Q. From January 1st, 2010 to May 25th, 2010, on how
12 many occasions did you see Debbie Negrych at
13 Black Angus Meat?

14 A. More than once, less than ten.

15 Q. In the year 2007, on how many occasions did you
16 see Sean Round at Black Angus Meat, if at all?

17 A. I mean, I don't know the time he worked there.
18 Did he work there?

19 Q. Assuming that he was working there in 2007.
20 Don't guess on that. How many times did you
21 see --

22 A. I don't know.

23 Q. -- strike that. Let me ask. On how many

1 occasions did you see Sean Round at Black Angus
2 Meat in the year 2007?

3 A. I don't know.

4 Q. On how many occasions did you see Sean Round at
5 Black Angus Meat during the year 2008?

6 A. I don't know.

7 Q. On how many occasions did you see Sean Round in
8 the year 2009 at Black Angus Meat?

9 A. I do not know.

10 Q. On how many occasions between January 1st, 2010
11 and May 25th, 2010 did you see Sean Round at
12 Black Angus Meat?

13 A. Do not know.

14 Q. If I told you Sean Round was employed there
15 during 2007 through May of 2010, would that in
16 any way change your testimony?

17 MS. BAHAS: Objection to form.

18 THE WITNESS: If he worked there during those times,
19 it would be all more than once, less than ten.

20 BY MS. GRECO:

21 Q. Okay. So if he worked there, he would have been
22 there greater than once, less than ten?

23 A. Correct.

1 Q. Okay. Do you know who Nicole Seibert is?

2 A. Yes.

3 Q. In the year 2007, on how many occasions did you
4 see Nicole Seibert at Black Angus Meat?

5 A. More than once, less than ten.

6 Q. In the year 2008, on how many occasions did you
7 see Nicole Seibert at Black Angus Meat?

8 A. More than once, less than ten.

9 Q. In the year 2009, on how many occasions did you
10 see Nicole Seibert at Black Angus Meat, if at
11 all?

12 A. More than once, less than ten.

13 Q. From January 21st of 2010 to May 25th of 2010, on
14 how many occasions did you see Nicole Seibert at
15 Black Angus Meat?

16 A. More than once, less than ten.

17 Q. Are you personal friends with Nicole Seibert?

18 A. No.

19 Q. Okay. By that, I mean have you ever gone out
20 with her, been to her house or she been to yours?

21 A. No.

22 MS. BAHAS: Objection to form.

23 BY MS. GRECO:

1 Q. And the only time you would have seen Nicole
2 Seibert would have been at Black Angus Meat?

3 A. Yes.

4 Q. Is the only time you would have seen Keegan
5 Roberts, would that have been at Black Angus
6 Meat?

7 A. Yes.

8 Q. The only time you would have seen -- well, Thomas
9 Howells is your father. You would have seen him
10 other than at Black Angus Meat, correct?

11 A. Correct.

12 Q. Robert Seibert, the only time you would have seen
13 him, would that have been at Black Angus Meat?

14 A. No.

15 Q. When else would you have seen Robert Seibert?

16 A. I've seen all them people at Darcy's wedding.

17 Q. Other than Darcy's wedding, would you have seen
18 -- other than Darcy's wedding, would you have
19 seen Robert Seibert anywhere other than at Black
20 Angus Meat?

21 A. Yes.

22 Q. Where?

23 A. His house.

1 Q. Okay. And on how many occasions were you at his
2 house?

3 A. More than once, less than ten.

4 Q. When you were there, were you performing any type
5 of work?

6 A. Yes.

7 Q. What were you doing?

8 A. We did some concrete work at his house.

9 Q. Okay. Who is we?

10 A. Me, Bob. Keegan was there. And I don't know the
11 other guys' names that came to help.

12 Q. Was that pouring a concrete basement floor?

13 A. Driveway.

14 Q. It was a driveway?

15 A. Yes.

16 Q. Is that a heated driveway?

17 A. No.

18 Q. Okay. And so the concrete driveway. Were you
19 there on any other occasions, other than to do
20 the concrete driveway?

21 A. Yes.

22 Q. When was that?

23 A. He would have a party beginning of September.

1 Q. Okay. What kind of party?

2 A. Friends and family.

3 Q. Okay. And do you recall attending that in the
4 year 2007?

5 A. I don't know when I was there. I wasn't there
6 every year.

7 Q. How many times have you been there, would you
8 say?

9 A. Three.

10 Q. Three. And for how many years -- when you say
11 three times, when were they, do you recall?

12 A. No, I don't.

13 Q. Was it in 2017?

14 A. I do not know -- no.

15 Q. Was it in 2016?

16 A. No.

17 Q. Was it in 2015?

18 A. After that, I don't know.

19 Q. Okay. Do you ever recall seeing Darcy Black at
20 the friends and family party?

21 A. I believe, yes.

22 Q. Okay. And do you recall on how many occasions
23 you saw Darcy Black at the friends and family

1 party?

2 A. I would say at least once.

3 Q. And was that the invitation that he would post at
4 the store?

5 MS. BAHAS: Objection to form.

6 BY MS. GRECO:

7 Q. Strike that. Did you get a formal invitation?

8 A. No.

9 Q. How did you know it was happening?

10 A. Through my dad.

11 Q. And did you consider yourself a friend of Robert
12 Seibert?

13 MS. BAHAS: Objection. Asked and answered.

14 BY MS. GRECO:

15 Q. You can answer -- strike that. How did you get
16 invited to this event?

17 A. Through my dad.

18 Q. So your dad said -- how did you get invited?
19 What did your father tell you?

20 A. Said Bob's having his party and wanted me to tell
21 you that you are invited.

22 Q. Would all the employees be invited to the party,
23 if you know?

1 A. I do not know.

2 Q. When you were there, did you see employees at the
3 party --

4 MS. BAHAS: Objection to form.

5 BY MS. GRECO:

6 Q. -- other than Darcy Black and your father?

7 A. Yes.

8 Q. Okay. Who would you see -- who did you
9 personally observe at these parties, at one or
10 more of these parties?

11 A. I recall Debbie, Keegan. I don't know his last
12 name. William, Turtle, my brother.

13 Q. Christopher?

14 A. That's all. Nicole.

15 Q. You said you saw Darcy Black there?

16 A. Yes.

17 Q. Did you see Regina Rush there?

18 A. I can't recall.

19 Q. Did you see Raelean Rush there?

20 A. I can't recall.

21 Q. Did you see David Monolopolus there?

22 A. I believe so, one time, yes.

23 Q. Okay. Did you see Mark Leible there?

1 A. No.

2 Q. Did you see Jamie Lapress there?

3 A. Yes.

4 Q. Did you see -- and was this an annual party? Do
5 you recall -- strike that. Do you recall being
6 invited there every year from the time your
7 father started working there?

8 A. No.

9 Q. How many times do you recall being invited to
10 this party?

11 A. Two or three times.

12 Q. Okay. I think you said you remember attending
13 three times. So my question to you is, how many
14 times were you invited?

15 MS. BAHAS: Objection to form.

16 BY MS. GRECO:

17 Q. Strike that. Did you attend every time you were
18 invited?

19 A. No.

20 Q. So my question is then, on how many occasions
21 were you invited to attend, that includes even if
22 you didn't attend?

23 A. Approximately four or five times.

1 Q. Now, looking at Exhibit 241, you said that --
2 strike that. On how many occasions in the year
3 2007 did you see Jamie Lapress at Black Angus
4 Meat?

5 A. More than once, less than ten.

6 Q. In the year 2008, on how many occasions, if at
7 all, did you see Jamie Lapress?

8 A. More than once, less than ten.

9 Q. In the year 2009, on how many occasions, if at
10 all, did you see Jamie Lapress at Black Angus
11 Meat?

12 A. More than once, less than ten.

13 Q. From January 1st, 2010 to May 25th, 2010, on how
14 many occasions, if at all, did you see Jamie
15 Lapress at Black Angus Meat?

16 A. More than once, less than ten.

17 Q. In the year 2007, on how many occasions did you
18 see Mark Leible at Black Angus Meat, if at all?

19 A. More than once, less than ten.

20 Q. In the year 2008, on how many occasions did you
21 see Mark Leible at Black Angus Meat?

22 A. More than once, less than ten.

23 Q. In the year 2009, on how many occasions did you

1 see Mark Leible at Black Angus Meat, if at all?

2 A. More than once, less than ten.

3 Q. In the year -- January 1st, 2010 until May 25th,
4 2010, on how many occasions did you see Mark
5 Leible at Black Angus Meat?

6 A. More than once, less than ten.

7 Q. In the year 2007, on how many occasions, if at
8 all, did you see Christopher Howells at Black
9 Angus Meat?

10 A. More than once, less than ten.

11 Q. In the year 2008, on how many occasions did you
12 see Christopher Howells at Black Angus Meat, if
13 at all?

14 A. More than once, less than ten.

15 Q. In the year 2009, on how many occasions did you
16 see Christopher Howells at Black Angus Meat?

17 A. More than once, less than ten.

18 Q. From January 1st, 2010 to May 25th, 2010, on how
19 many occasions did you see Christopher Howells at
20 Black Angus Meat?

21 A. More than once, less than ten.

22 Q. Do you know an individual by the name of Taylor
23 Kunzelman?

1 A. No.

2 Q. Do you know an individual by the name of Brett
3 Myer?

4 A. Yes.

5 Q. On how many occasions from January 1st, 2010 to
6 May 25th, 2010 did you see Brett Myer, if at all,
7 at Black Angus Meat?

8 A. I'm not sure the time he worked there.

9 Q. Assume he started work on February 10th, 2010.

10 MS. BAHAS: Objection to form.

11 BY MS. GRECO:

12 Q. You can answer.

13 MS. BAHAS: Is that a question?

14 BY MS. GRECO:

15 Q. Yes. He asked me -- he's not sure when he
16 started. Okay. Assuming, according to Black
17 Angus Meat documents they gave us, that Brett
18 Myer started working at Black Angus Meat on
19 February 10th, 2010. On how many occasions, if
20 at all, did you see him at Black Angus Meat from
21 January 1, 2010 to May 25th, 2010?

22 A. More than once, less than ten.

23 Q. Do you know who Raelean Rush is? Raelean Rush,

1 do you know who she is?

2 A. Yes.

3 Q. On how many occasions in 2007 did you see Raelean
4 Rush at Black Angus Meat, if at all?

5 A. I don't know the period that she worked there.

6 Q. Okay. Assume that she started there May 5th,
7 2005 and she stopped working there on April 11th,
8 2009. In the year 2007, on how many occasions,
9 if at all, did you see Raelean Rush at Black
10 Angus Meat?

11 MS. BAHAS: Objection to form.

12 BY MS. GRECO:

13 Q. You can answer.

14 A. More than once, less than ten.

15 Q. In the year 2008, on how many occasions would you
16 see Raelean Rush at Black Angus Meat?

17 A. More than once, less than ten.

18 Q. In 2009, how many occasions did you see Raelean
19 Rush at Black Angus Meat?

20 A. More than once, less than ten.

21 Q. Okay. Regina, do you know who Regina Rush is?

22 A. Yes.

23 Q. Assuming, according to Black Angus Meat, she

1 started working there on July 5th, 2005 and
2 stopped working August 20th, 2010. On how many
3 occasions did you see Raelean Rush in the year
4 2007 at Black Angus Meat?

5 MS. BAHAS: Objection to form.

6 BY MS. GRECO:

7 Q. You can answer.

8 A. More than once, less than ten.

9 Q. In the year 2008, on how many occasions did you
10 see Regina Rush at Black Angus Meat?

11 A. More than once, less than ten.

12 Q. In the year 2009, how many occasions did you see
13 Regina Rush at Black Angus Meat, if at all?

14 A. More than once, less than ten.

15 Q. From January 1st, 2010 to May 25th, 2010, on how
16 many occasions did you see Regina Rush at Black
17 Angus Meat?

18 A. More than once, less than ten.

19 Q. Did you ever meet an individual by the name of
20 Franklin Bennett?

21 A. No.

22 Q. Looking now at Exhibit 241 -- before that, look
23 at Exhibit 237. Do you see on this exhibit that

1 there's a circled area where it says butcher
2 block as part of the description?

3 A. Yes.

4 Q. Okay. Do you recognize that as one of the areas
5 where your father worked, at a butcher block?

6 A. Yes.

7 Q. And looking at this document, do you see where it
8 shows counter areas?

9 MS. BAHAS: Objection to form.

10 THE WITNESS: Do I see the counter areas?

11 BY MS. GRECO:

12 Q. Yes.

13 A. Yes.

14 Q. And do you see where the wrapping tables are?

15 A. I believe they are right here.

16 Q. Okay. Is that -- looking here where there's an
17 arrow that says wrapping table. Do you see that
18 as a wrapping table? Here's another one.

19 MS. BAHAS: Objection to form.

20 BY MS. GRECO:

21 Q. You can answer that.

22 A. There's the wrapper bin there and a wrapper bin
23 right there.

1 Q. Okay. Looking now at -- in looking at Exhibit
2 237, can you see the office window -- the window
3 where the office is?

4 MS. BAHAS: Objection to form.

5 THE WITNESS: No -- yes.

6 BY MS. GRECO:

7 Q. Do you see that?

8 A. Yes.

9 Q. And that area is visible when your father is at
10 the butcher blocks?

11 MS. BAHAS: Objection to form.

12 BY MS. GRECO:

13 Q. You can answer.

14 A. Can my father see the window?

15 Q. No. You said you would go to Black Angus Meat to
16 see your father.

17 A. Correct.

18 Q. Is that the only reason you ever went to Black
19 Angus Meat?

20 A. He was teaching me how to cut some deer.

21 Q. What year was that?

22 A. I have no idea.

23 Q. Was it during a one-year period?

1 A. I believe so, yes.

2 Q. Okay. And was he successful in teaching you how
3 to cut deer?

4 A. He's a little impatient.

5 Q. Did you cut deer after he taught you?

6 A. I never cut deer, but I learned the minimal
7 process to do it.

8 Q. Why did you want to learn how to cut deer?

9 A. Because I live in the country and I got friends
10 that hunt.

11 Q. Okay. So after you learned how to cut deer, did
12 you ever --

13 A. No.

14 Q. Let me finish. After you learned how to cut
15 deer, did you ever cut deer anywhere?

16 A. No.

17 Q. Okay. And do your friends cut deer in the
18 country?

19 A. Yes.

20 Q. And is there one person that does it more than
21 another?

22 MS. BAHAS: Objection to form.

23 BY MS. GRECO:

1 Q. Strike that. Do you hunt?

2 A. No.

3 Q. Do your friends hunt?

4 A. Yes.

5 Q. Okay. And is there someplace near where you live
6 where your friends that hunt bring their deer --

7 MS. BAHAS: Objection to form.

8 BY MS. GRECO:

9 Q. -- to be processed?

10 A. Some do, some don't.

11 Q. Where do they bring it?

12 A. There's places out there in Newfane.

13 Q. Okay. What places would those be?

14 A. I don't know the names of them.

15 Q. I'm trying to figure out why you would want to
16 learn how to cut deer --

17 MS. BAHAS: Objection. Asked and answered.

18 BY MS. GRECO:

19 Q. -- if you weren't going to do it.

20 A. I wasn't saying I wasn't going to do it.

21 Q. Where were you going to cut deer? That's my
22 question.

23 A. At my house.

1 Q. Do you have equipment at your house to cut deer?

2 A. I have knives.

3 Q. Okay. Is that all you need to cut deer?

4 A. Yes.

5 Q. Okay. So you do have the proper -- at the time
6 your father taught you, did you have the proper
7 knives at your house to cut deer?

8 A. I just had regular kitchen knives. Never got
9 into it.

10 Q. You said you had the knives at your house. So
11 you were thinking of cutting deer at your house?

12 MS. BAHAS: Objection to form.

13 THE WITNESS: Yes.

14 BY MS. GRECO:

15 Q. And my question is, after you learned, do you
16 think your father trained you sufficiently that
17 you would be able to do it on your own?

18 A. The basics.

19 Q. Okay. And then did you ever put those basics
20 into practice anywhere to help your friend or
21 anything else?

22 A. No.

23 Q. Okay. Let's look at -- going back to when you

1 learned how to, you said, cut -- is it cut deer
2 at Black Angus Meat -- strike that. What
3 specifically did your father teach you at Black
4 Angus Meat?

5 A. How to take the meat off the bone.

6 Q. Okay. And when was that that he taught you that?

7 A. I don't recall.

8 Q. Was it during a one-year period?

9 A. I believe so, yes. I don't recall.

10 Q. Well, did it take several years to teach you
11 that?

12 A. No. It was only a couple times is all.

13 Q. That's what I'm trying to figure out. How many
14 -- you said a couple times. Would it be -- as
15 specifically as you can recall, can you tell us
16 how many hours -- if you can't describe hours,
17 how many days it took your father to teach you
18 how to cut deer?

19 A. There was no scheduled time. It was the
20 occasions I would stop there to see him because I
21 know he worked late. I would bring him lunch or
22 dinner and it would be twenty minutes one time,
23 might be fifteen minutes another time. Just

1 depended how busy he was.

2 Q. Was that during one period of time?

3 A. One year.

4 Q. In one year. During one year, whatever it was --

5 A. That I recall, yes.

6 Q. -- he would teach you, on how many occasions was
7 it fifteen or twenty minutes?

8 A. Three, four.

9 Q. Okay. Is it fair to say -- strike that. Did you
10 ever at any time do work with any deer meat or
11 deer byproduct at Black Angus Meat other than
12 those two or three times you just described for
13 us when your father was teaching you how to cut
14 deer?

15 A. No.

16 Q. Okay. I know you said your father worked long
17 hours.

18 MS. BAHAS: Objection to form.

19 THE WITNESS: It varied.

20 BY MS. GRECO:

21 Q. I'm sorry?

22 A. It varied.

23 Q. Well, you said you would bring him lunch because

1 you knew he was working late.

2 A. Correct.

3 Q. And did your father work late at Black Angus Meat
4 during deer season?

5 MS. BAHAS: Objection to form.

6 THE WITNESS: I don't know his schedule. If I drive
7 in, I would see his vehicle there, I would stop
8 there. If not, I would go to his house.

9 BY MS. GRECO:

10 Q. Why would you drive in and see his vehicle?

11 MS. BAHAS: Objection to form.

12 THE WITNESS: I don't understand.

13 BY MS. GRECO:

14 Q. Well, you live in --

15 A. Because he's my father.

16 Q. I understand. But you would just take a chance
17 to see if he was there as opposed to calling and
18 finding out?

19 A. If he wasn't there, he would be at home.

20 Q. Okay. And --

21 A. I do have friends there too.

22 Q. Okay. Who are your friends at Black Angus Meat?

23 A. In Kenmore. I'm not saying them. I'm saying

1 other friends that I would come visit.

2 Q. In Kenmore, in general?

3 A. Correct.

4 Q. Okay. And do you know if any photographs were
5 taken in the pack room at Black Angus Meat?

6 MS. BAHAS: Objection to form.

7 THE WITNESS: No.

8 BY MS. GRECO:

9 Q. Okay. Did you ever take any photographs of the
10 pack room at Black Angus Meat?

11 A. No.

12 Q. Okay. Let's look at Exhibit 241. Do you see
13 where there's -- which is an aerial view of Black
14 Angus Meat as printed from Google Maps on 1/9/18.
15 Do you see where building one is? There's a
16 number one on that building.

17 A. Yes.

18 Q. Have you been in that building?

19 A. Yes.

20 Q. Okay. And have you seen deer meat being
21 processed in that building?

22 A. No.

23 Q. Did you see deer meat being packed in that

1 building?

2 A. No.

3 Q. Did you ever see paper being put on the floor
4 after the regular meat was done so that deer
5 cutting could be utilized in that building?

6 MS. BAHAS: Objection to form.

7 BY MS. GRECO:

8 Q. You can answer.

9 A. No.

10 Q. Do you know what a meat grinder is?

11 A. No.

12 Q. Did you ever see any meat grinder at Black Angus
13 Meat?

14 A. Yes.

15 Q. Where did you see a meat grinder?

16 A. In building number one.

17 Q. Where in building number one?

18 A. It's here.

19 Q. It's in the front room?

20 A. Yes.

21 Q. Okay. Where the front counter is?

22 A. Yes.

23 Q. Okay. Did you ever see any other grinder, other

1 than the one where the front counter is?

2 A. Yes.

3 Q. Where was that?

4 A. In three.

5 Q. Okay. Do you know what year it was in building
6 three?

7 A. No.

8 Q. Do you recall when there was only one meat
9 grinder there and not two?

10 A. No.

11 Q. So the whole time you've been going there, there
12 were two meat grinders? If you know. If you
13 don't know, don't guess.

14 MS. BAHAS: Objection to form.

15 THE WITNESS: I don't know.

16 BY MS. GRECO:

17 Q. You don't know. Okay. And with regard to
18 building one, is the pack room in building one,
19 during the time you were there?

20 A. I did see regular meat being -- like pork chops
21 and chicken wrapped in building one.

22 Q. Do you know what packing means?

23 A. Wrapping food.

1 Q. Did you ever see any food being boxed for
2 customers at Black Angus Meat?

3 A. Yes.

4 Q. Okay. In looking at Exhibit 241, can you tell us
5 in what building you saw regular meat being
6 packed for customers?

7 A. I believe it's building one.

8 Q. And in looking at this picture, was it the area
9 in building one closest to building two?

10 MS. BAHAS: Objection to form.

11 THE WITNESS: Yes.

12 BY MS. GRECO:

13 Q. Is it the area in building one closest to
14 building two where the packing of meat was done
15 at Black Angus Meat?

16 MS. BAHAS: Objection to form.

17 BY MS. GRECO:

18 Q. You can answer.

19 A. It was either in the back of building one or in
20 building two.

21 Q. Do you know?

22 A. No.

23 Q. Were you ever in the packing area in building

1 one?

2 MS. BAHAS: Objection to form.

3 BY MS. GRECO:

4 Q. You can answer.

5 A. If that's where they were -- I can't recall if it
6 was in here or that building.

7 Q. Okay. So assume -- well, wherever the packing
8 was done -- we are not talking about venison,
9 we're talking about meat other than venison. Not
10 game, so to speak. Wherever that was packed,
11 were you ever present?

12 MS. BAHAS: Objection to form.

13 THE WITNESS: Yes.

14 BY MS. GRECO:

15 Q. And would your father be in that area as the
16 butcher?

17 MS. BAHAS: Objection to form.

18 THE WITNESS: The times I've seen him, it was by the
19 meat cutting block.

20 BY MS. GRECO:

21 Q. So you were seeing your father in the front of
22 the building where the counters are by the meat
23 product?

1 A. Yes.

2 Q. And you said -- just so we're clear, were you
3 ever in the areas of Black Angus Meat where the
4 packing was done of the non-venison, the
5 non-game?

6 MS. BAHAS: Objection to form.

7 BY MS. GRECO:

8 Q. You can answer.

9 A. When you walk in, there's a doorway right there
10 where the pack room, I believe, is and I would
11 walk by it.

12 Q. Were you ever in the pack room assisting anyone
13 doing anything?

14 A. Not that I recall.

15 Q. Is there anything that we could give you that
16 would help you remember?

17 A. No.

18 Q. Okay. Can you describe for me what the pack room
19 looked like?

20 A. No.

21 Q. You have no recollection at all.

22 A. I know they have done maintenance there and
23 construction.

1 Q. Okay. Did you ever see Darcy Black in the pack
2 room?

3 A. Yes.

4 Q. Picture during the time you saw Darcy Black in
5 the pack room. What did the pack room look like?

6 A. Tables.

7 Q. And were those tables -- were there two tables
8 were utilized?

9 A. I don't recall how many tables.

10 Q. Strike that. Were there two tables utilized to
11 pack the meat?

12 MS. BAHAS: Objection. Form.

13 THE WITNESS: I can't tell how many tables were in
14 there.

15 BY MS. GRECO:

16 Q. In the middle of the floor, was there anything
17 utilized to place the frozen meat so the packers
18 could retrieve it from there and use it to pack?

19 MS. BAHAS: Objection to form.

20 MS. GRECO: Can you repeat the question.

21 (Whereupon, the above-requested question was
22 then read back by the reporter.)

23 THE WITNESS: I don't recall. In the middle of the

1 floor, I know there were coolers on the wall.

2 BY MS. GRECO:

3 Q. Why don't you tell us what you recall. How many
4 coolers were in there?

5 A. I have no idea.

6 Q. Are the coolers that you are talking about
7 freezers?

8 MS. BAHAS: Objection to form.

9 THE WITNESS: I don't know if they were freezers or
10 coolers.

11 BY MS. GRECO:

12 Q. Did you ever enter a freezer at Black Angus Meat
13 in the pack room?

14 A. Not in the pack room.

15 Q. Did you ever enter a freezer at Black Angus Meat?

16 A. Yes.

17 Q. Where?

18 A. In the front of the store.

19 Q. Did you ever refill the area with product, the
20 products that are used to make packs at Black
21 Angus Meat?

22 MS. BAHAS: Objection. Form.

23 THE WITNESS: No.

1 BY MS. GRECO:

2 Q. Do you know what frozen foods they have at Black
3 Angus Meat that are utilized in packs?

4 A. No.

5 Q. No idea?

6 MS. BAHAS: Objection to form.

7 BY MS. GRECO:

8 Q. You can answer.

9 A. No.

10 Q. What's the earliest you ever arrived at Black
11 Angus Meat -- is it fair to say you've only been
12 -- strike that. On how many occasions were you
13 on the premises of Black Angus Meat in the year
14 2007?

15 A. More than once, less than ten.

16 Q. In the year 2008, on how many occasions were you
17 on the premises of Black Angus Meat?

18 A. More than once, less than ten.

19 Q. In the year 2009, on how many occasions were you
20 on the premises of Black Angus Meat?

21 A. More than once, less than ten.

22 Q. In the year 2010 -- between January 1, 2010 and
23 May 25, 2010, on how many occasions were you on

1 the premises of Black Angus Meat?

2 A. More than once, less than ten.

3 Q. What is the earliest you were ever at Black Angus
4 Meat? I mean, earliest time-wise in a day.

5 A. I believe between eleven and twelve, twelve and
6 one.

7 Q. Were you ever at Black Angus Meat at eight
8 o'clock in the morning on any occasion?

9 A. No.

10 Q. Do you know who arrived to work at Black Angus
11 Meat during the year 2007 at seven o'clock in the
12 morning?

13 MS. BAHAS: Objection. Form.

14 THE WITNESS: No.

15 BY MS. GRECO:

16 Q. Do you recall arriving at Black Angus Meat around
17 seven-thirty in the morning on multiple occasions
18 while my client was working in the pack room?

19 MS. BAHAS: Objection to form.

20 BY MS. GRECO:

21 Q. You can answer.

22 A. No.

23 Q. Okay. Are you denying you did it or you don't

1 remember doing it? There's two differences.
2 Denying means it never happened, you are swearing
3 under oath you were not there. Not recall means
4 you don't remember. So I want to be clear. Did
5 you ever arrive at Black Angus Meat on one or
6 more occasions at approximately seven-thirty in
7 the morning --

8 A. No.

9 Q. -- where my client was working in the pack room?

10 MS. BAHAS: Objection. Form.

11 THE WITNESS: No.

12 BY MS. GRECO:

13 Q. Did you ever, at any time, give any type of
14 product to anyone who was packing the packs at
15 Black Angus Meat?

16 MS. BAHAS: Objection. Form.

17 BY MS. GRECO:

18 Q. You can answer.

19 A. Not that I recall, no.

20 Q. And what do you mean by you don't recall?

21 A. My father's asked me to grab a box here and
22 there.

23 Q. That would be when you were there between eleven

1 and twelve or twelve and one o'clock?

2 A. Correct.

3 Q. So that would not be in the morning?

4 A. Correct.

5 Q. Okay. And so when Darcy Black was packing packs,
6 are you saying you were never present?

7 MS. BAHAS: Objection. Form.

8 THE WITNESS: When I would come in to see my dad, I
9 would walk through the hallway with the door
10 there and there was some people in there. I
11 would say hello and keep going.

12 BY MS. GRECO:

13 Q. Okay. So on the occasions you were at Black
14 Angus Meat, which is greater than one and less
15 than ten during those years, what would you do?

16 A. Talk to my father.

17 Q. Okay. You would come in between eleven and
18 twelve or twelve and one. You would come into
19 the premises. And would you have anything with
20 you?

21 A. Some lunch.

22 Q. Okay. By some lunch, what do you mean?

23 A. Some hot dogs from Ted's.

1 Q. Then what would you do with the hot dogs from
2 Ted's?

3 A. He would take a break and we would go into the
4 wash room there, eat the hot dogs, talk a little
5 bit, see if he's getting out early. And that was
6 it.

7 Q. Okay. When you say getting out early, what do
8 you mean?

9 A. If he was getting out around twelve o'clock, one
10 o'clock.

11 Q. If he wasn't, what would you do?

12 A. Visit my brother, visit my friends, go home.

13 Q. When you say visit your brother, visit your
14 friends, what do you mean?

15 A. I don't understand the question.

16 Q. You would leave Black Angus Meat and go visit
17 your friends or would you visit people that were
18 working there? I'm trying to be clear.

19 A. Visit my friends that did not work at Black Angus
20 Meat.

21 Q. So if your father was going to work late, then
22 you would leave?

23 A. Yeah.

1 Q. Okay. You would no longer be at Black Angus Meat
2 for the rest of that day?

3 A. Correct.

4 Q. Do you know if Black Angus Meat sells frozen
5 chicken breasts?

6 A. I don't recall. I bought food from the counter
7 before.

8 Q. Do you know if Black Angus Meat sells frozen
9 chicken breasts?

10 A. I do not know.

11 Q. Do you know if Black Angus Meat sells frozen pork
12 chops?

13 A. I would assume.

14 Q. I'm asking if you know.

15 A. No.

16 Q. Do you know if Black Angus Meat sells frozen
17 sirloin steaks?

18 A. No.

19 Q. Do you know if Black Angus Meat sells frozen pork
20 roast?

21 A. No.

22 Q. Do you know anything about the process of how
23 packs are packed at Black Angus Meat for

1 customers?

2 A. No.

3 Q. Did you ever see a pack packed at Black Angus
4 Meat for customers?

5 A. I've seen people work in the pack room.

6 Q. Did you ever participate in any way in anything
7 being packed for a customer at Black Angus Meat?
8 By that, I mean getting items that were going to
9 be packed into the pack from somewhere, filling
10 up, an area which is specifically utilized for
11 the packers to go and get the product that's
12 supposed to be packed in the packs?

13 A. No.

14 Q. Okay. Do you know why my client would say that
15 when she worked in the pack room, you were
16 there --

17 MS. BAHAS: Objection to form.

18 BY MS. GRECO:

19 Q. -- during the time that you were not working at
20 -- doing concrete, meaning during the off season?

21 MS. BAHAS: Objection. Form.

22 THE WITNESS: No.

23 BY MS. GRECO:

1 Q. Did you go to my client's wedding?

2 A. Yes.

3 Q. Are you personal friends of hers?

4 A. I wouldn't say personal friends, no.

5 Q. Did you ever do anything with her outside of
6 work, other than go to her wedding?

7 A. No.

8 Q. Strike that. Did you ever do anything with her
9 outside of Black Angus Meat, other than go to her
10 wedding?

11 A. No.

12 MS. BAHAS: Objection. Form.

13 BY MS. GRECO:

14 Q. Did you get an invitation to her wedding?

15 A. I don't recall.

16 Q. Did you ever go to a wedding you didn't get an
17 invitation to?

18 A. Yes.

19 Q. Whose wedding did you go to that you didn't get
20 an invitation to?

21 A. I was like a date, so --

22 Q. Okay. Were you a date at Darcy Black's wedding?

23 A. Not with Darcy, no.

1 Q. So I asked did you ever go to a wedding where you
2 were the person that was being invited without an
3 invitation?

4 MS. BAHAS: Objection. Form.

5 BY MS. GRECO:

6 Q. You can answer.

7 A. I believe the way I was invited to Darcy's
8 wedding, my dad said Darcy wanted you to come to
9 the wedding. I can't recall getting an
10 invitation.

11 Q. Do you recall Darcy Black handing you an
12 invitation face to face?

13 A. No.

14 Q. Do you know how Darcy Black handed out the
15 invitations for her wedding?

16 A. No.

17 Q. Do you know if she invited all the individuals
18 who worked with her at Black Angus Meat?

19 A. No.

20 Q. Did you go to the wedding?

21 A. Yes.

22 Q. Who did you go with?

23 A. Myself, my brother and my father.

1 Q. Who did you drive with?

2 A. I don't recall how I got there.

3 Q. Okay. And is there anything that would refresh
4 your recollection as to how you were invited to
5 Darcy Black's wedding?

6 A. No.

7 Q. On how many occasions had you met her before you
8 were invited to her wedding?

9 A. I don't know.

10 Q. Give me your best estimate.

11 A. More than once, less than ten.

12 Q. Okay. Have you ever gone to the wedding of
13 someone where you were the person invited, where
14 you have met them less than ten times?

15 MS. BAHAS: Objection to form.

16 BY MS. GRECO:

17 Q. You can answer.

18 A. I don't recall.

19 Q. Do you know how many individuals were employed at
20 Black Angus Meat during the time that you've been
21 going there?

22 A. No.

23 Q. Did you ever help setting up the pack room?

1 MS. BAHAS: Objection. Asked and answered.

2 BY MS. GRECO:

3 Q. You can answer.

4 A. Pardon?

5 Q. Did you ever set up the pack room?

6 A. No.

7 Q. Do you know who Roseanne Barnes is?

8 A. Who?

9 Q. Roseanne Barnes.

10 A. No.

11 Q. Did you ever see Bill Frase work in the pack
12 room?

13 A. Yes.

14 Q. Did you ever see Keegan Roberts work in the pack
15 room?

16 A. I don't recall.

17 Q. Did you ever see Darcy Black work in the pack
18 room?

19 A. Yes.

20 Q. Did you ever see Sean Round work in the pack
21 room?

22 A. I don't recall.

23 Q. Did you know where the tall freezer is located in

1 the pack room?

2 A. No.

3 Q. Do you know what a dumb freezer is?

4 A. No.

5 Q. Have you ever been aware of any freezers that
6 don't have tops?

7 MS. BAHAS: Objection. Form.

8 THE WITNESS: I don't know what you mean by tops.

9 BY MS. GRECO:

10 Q. Were you aware of there being two dumb freezers
11 in the pack room that didn't have tops, but you
12 had to fill them up to be used to pack the packs?

13 MS. BAHAS: Objection to form.

14 THE WITNESS: No.

15 BY MS. GRECO:

16 Q. So is it your testimony, other than bringing hot
17 dogs to your father at Black Angus Meat for lunch
18 during the twelve to one or one -- I think you
19 said eleven to twelve or twelve to one was the
20 only time you were at Black Angus Meat?

21 A. Yes.

22 MS. BAHAS: Objection.

23 BY MS. GRECO:

1 Q. Do you know where the venison room is?

2 A. I know where they did the cutting.

3 Q. Were you ever in there?

4 A. Yes.

5 Q. On how many occasions during those greater than
6 one, less than ten in those years, how many of
7 those occasions were you in the deer room -- or,
8 strike that. The areas where deer was processed?

9 A. More than once, less than ten.

10 Q. They counted in the greater than one, less than
11 ten times, right?

12 A. Yes.

13 Q. And did you ever do anything relative to venison
14 or any type of game at Black Angus Meat?

15 MS. BAHAS: Objection. Asked and answered.

16 BY MS. GRECO:

17 Q. Other than the two or three times you testified,
18 that one year when your father showed you, for
19 the period of time you told us about, how to cut
20 venison?

21 A. Can you repeat that?

22 MS. GRECO: Can you read it.

23 (Whereupon, the above-requested question was

1 then read back by the reporter.)

2 THE WITNESS: Yes. That's the only time.

3 BY MS. GRECO:

4 Q. Okay. Do you know if Black Angus Meat sold
5 frozen chicken fingers?

6 A. No, I don't.

7 Q. Did you ever bring frozen chicken fingers from a
8 freezer to the pack room for the packs to be
9 filled?

10 A. No.

11 Q. Did you ever bring any frozen products, including
12 but not limited to pork chops, boneless breasts,
13 sirloin steak, pork roasts that was previously
14 wrapped and frozen, did you ever take them from
15 the freezer to the pack room so they could be
16 used to fill packs?

17 A. No.

18 Q. Did you ever do anything physically in the deer
19 room?

20 A. No.

21 MS. BAHAS: Objection.

22 BY MS. GRECO:

23 Q. Did you ever do anything physically in the pack

1 room?

2 MS. BAHAS: Objection to form.

3 THE WITNESS: No.

4 BY MS. GRECO:

5 Q. Did you ever grind venison?

6 A. No.

7 Q. In the year 2011, in any of the years that I've
8 mentioned -- well, strike that. At any time have
9 you ever ground venison at Black Angus Meat?

10 MS. BAHAS: Objection. Asked and answered.

11 THE WITNESS: No.

12 BY MS. GRECO:

13 Q. Did you ever clean up the pack room?

14 A. No.

15 Q. Did you ever take cardboard off the floor after
16 it had been placed down so deer meat could be
17 done?

18 A. No.

19 MS. BAHAS: Objection to form.

20 BY MS. GRECO:

21 Q. Are you aware if Black Angus Meat ever sold
22 frozen fish?

23 A. No.

1 Q. Were you aware if Black Angus Meat ever sold
2 chicken nuggets?

3 A. No.

4 Q. Did you ever get frozen fish or chicken nuggets
5 that's been frozen to fill packs in the pack
6 room?

7 MS. BAHAS: Objection to form.

8 BY MS. GRECO:

9 Q. You can answer.

10 A. No.

11 Q. Did you ever see a box being made up to be used
12 for deliveries to customers?

13 MS. BAHAS: Objection to form.

14 BY MS. GRECO:

15 Q. You can answer.

16 A. No.

17 Q. Did you ever do a driveway at Keegan Roberts'
18 house?

19 MS. BAHAS: Objection. Form.

20 THE WITNESS: No.

21 BY MS. GRECO:

22 Q. Did you ever do any work at Keegan Roberts'
23 house?

1 A. Yes.

2 Q. What?

3 A. Concrete patio.

4 Q. When was that?

5 A. I don't recall what year it was.

6 Q. Was that part -- is that something you were paid
7 for?

8 A. No.

9 Q. Did Keegan Roberts ever do anything at your
10 house?

11 A. No.

12 Q. Did Robert Seibert ever do anything at your
13 house?

14 A. Yes.

15 Q. What did he do?

16 A. He helped me exchange a sump pump.

17 Q. What do you mean exchange a sump pump?

18 A. I took water in in my basement. I called my
19 father and just asked him referring to what type
20 of new pump I should get. And I think I talked
21 to him when he was at Black Angus Meat and Bob
22 overheard the conversation, and Bob came with him
23 to help switch out the pump.

1 Q. So your father -- Robert Seibert went with your
2 father to help him switch the pump at your house?

3 A. Yes.

4 Q. Okay. And was that a pump that you had
5 purchased?

6 A. I don't recall.

7 Q. Would Robert Seibert have purchased it for you?

8 A. No.

9 Q. Okay. So I'm clear, when you said you saw those
10 individuals less than one -- greater than one,
11 less than ten, but you said you were only at
12 Black Angus Meat during those years greater than
13 one, but less than ten, you were not at Black
14 Angus Meat more than ten times during the years
15 we talked about?

16 MS. BAHAS: Objection. Form.

17 BY MS. GRECO:

18 Q. Based on your testimony, is that accurate?

19 MS. BAHAS: Objection. Form.

20 THE WITNESS: The only time I would go there was the
21 times I was laid off. So within that three,
22 three and a half months, I would ride in, have
23 lunch with my father.

1 BY MS. GRECO:

2 Q. That's why you were only there greater than one
3 time and less than ten times?

4 A. Correct.

5 Q. When you saw your brother at Black Angus Meat,
6 Chris, what type of work was he doing?

7 A. He was working the front of the store, I think,
8 waiting on people.

9 Q. On the counter?

10 A. Yes.

11 Q. Okay. Did you ever speak to Darcy Black
12 regarding Raelean Rush?

13 A. I'm sorry?

14 Q. Did you ever speak to Darcy Black regarding
15 Raelean Rush?

16 A. No.

17 Q. Were you ever interested in dating Raelean Rush?

18 A. No.

19 Q. Do you know if Raelean Rush was dating anyone?

20 A. No.

21 Q. Did anyone ever -- strike that. Did you ever eat
22 lunch at Black Angus Meat -- strike that. Other
23 than food you or your father would have brought

1 to work, did you ever eat lunch at Black Angus
2 Meat with the employees?

3 A. No.

4 Q. Were you ever aware of anyone at Black Angus Meat
5 making lunch for the employees?

6 A. No.

7 Q. Do you know an individual by the name of Kim
8 Putnam?

9 A. No.

10 Q. Did you ever help anyone at Black Angus Meat in
11 the morning putting product away?

12 MS. BAHAS: Objection. Asked and answered.

13 THE WITNESS: No.

14 BY MS. GRECO:

15 Q. Do you know what's called being paid under the
16 table, do you know what that means?

17 A. Yes.

18 Q. What does that mean to you?

19 A. Getting paid by cash if you have another job.

20 Q. Okay. Being paid by cash, why?

21 A. Assuming that you are working for someone.

22 Q. If they pay you cash, then you are not reporting
23 for tax purposes or for Unemployment purposes,

1 isn't that true?

2 MS. BAHAS: Objection to form.

3 THE WITNESS: For me?

4 BY MS. GRECO:

5 Q. I'm asking -- I want to make sure we understand.

6 Were you ever paid anything in cash from anyone
7 at Black Angus Meat?

8 MS. BAHAS: Objection to form.

9 THE WITNESS: No.

10 BY MS. GRECO:

11 Q. And prior to -- strike that. During the time for
12 the periods I told you, 2007, '8, '9 and '10,
13 during that time, did you recognize that if you
14 were paid cash and did not get a W-2 or a 1099,
15 that there would be no taxes on that, that would
16 be a violation of law? Were you aware of that?

17 MS. BAHAS: Objection. Form.

18 BY MS. GRECO:

19 Q. You can answer.

20 A. I never got paid cash because I never worked
21 there.

22 Q. Okay. Would you agree with me, though, that if
23 an individual worked there and was paid cash and

1 it was not recorded as an employee, meaning they
2 weren't given a W-2 or independent contractor, a
3 1099, that that would be a violation of law?

4 MS. BAHAS: Objection to form.

5 BY MS. GRECO:

6 Q. You can answer.

7 A. Yes.

8 Q. What did you do during the off season -- strike
9 that. In the years 2007, '8, '9 and 2010, what
10 did you do during the off season?

11 A. Wake up early, watch the eleven o'clock Sports
12 Center, maintenance around my house.

13 Q. Do you know an individual by the name of Robert
14 Lasky?

15 A. No.

16 MS. GRECO: Off the record.

17 (Whereupon, a short recess was then taken.)

18 BY MS. GRECO:

19 Q. Do you recall asking Darcy Black to see if she
20 could get Raelean Rush to dance with you at her
21 wedding?

22 A. No.

23 Q. Let me show you what's been previously marked as

1 Exhibit 264. Can you identify anyone in that
2 picture?

3 A. That's myself. I don't recall who that other
4 lady is.

5 Q. Do you know if that was Darcy Black's mother?

6 MS. BAHAS: Form. Asked and answered.

7 BY MS. GRECO:

8 Q. Did you ever dance at Darcy Black's wedding?

9 A. Yes.

10 Q. Do you recognize that as you?

11 A. Yes.

12 Q. Do you recognize that photograph as being taken
13 at Darcy Black's wedding?

14 A. I don't recall any pictures being taken of me
15 so --

16 Q. At her wedding?

17 A. Yes.

18 Q. I'm going to show you what's been marked as
19 Exhibit 264A. Do you recognize anyone in that
20 picture?

21 A. Yes, myself.

22 Q. Were you dancing?

23 A. Yes.

1 Q. And do you know who you are dancing with?

2 A. One of the Rush girls.

3 Q. Do you know if that's Raelean Rush?

4 A. I forget their names.

5 Q. Okay. And do you know who is dancing next to
6 you?

7 A. That's Bob.

8 Q. Is that Robert Seibert?

9 A. Yes.

10 Q. Do you know if that's his wife he's dancing with?

11 A. I believe so, yes.

12 Q. Okay. And do you recognize that as being -- that
13 photograph as being taken at Darcy Black's
14 wedding?

15 A. I believe so, yes.

16 Q. Let me show you what's been marked as Exhibit
17 264B. Do you recognize anyone in that
18 photograph?

19 A. Me and Darcy.

20 Q. And is that a photograph taken at Darcy Black's
21 wedding?

22 A. Yes.

23 Q. Let me show you Exhibit 264C. Do you recognize

1 that photograph?

2 A. Yes.

3 Q. Do you recognize anyone in it?

4 A. Darcy and myself.

5 Q. And when was that photograph taken?

6 A. I do not recall the wedding date.

7 Q. Was it taken at Darcy Black's wedding?

8 A. Yes.

9 Q. Okay. Let me show you what's been marked as
10 264D. Do you recognize that photo -- any
11 individual in that photo?

12 A. Yes. Darcy and myself.

13 Q. Is that also taken on Darcy Black's wedding day?

14 A. Yes.

15 Q. Let me show you what has been marked as Exhibit
16 264E. Do you recognize any individuals in that
17 photograph?

18 A. Yes. Keegan and his wife.

19 Q. Keegan, meaning Keegan Roberts?

20 A. Yes.

21 Q. And that's his wife?

22 A. Yes.

23 Q. Is that a photograph taken at Darcy Black's

1 wedding?

2 A. Yes.

3 Q. Let me show you what's been marked as Exhibit
4 264F. Do you recognize anyone in that
5 photograph?

6 A. Keegan and his wife.

7 Q. And Keegan, meaning Keegan Roberts, and his wife?

8 A. Yes.

9 Q. Do you recognize the two other gentlemen in the
10 photograph?

11 A. No.

12 Q. Do you recognize that picture as being taken at
13 Darcy Black's wedding?

14 A. If it's her wedding.

15 Q. If it's -- if you don't know, you can say you
16 don't know.

17 A. I don't know.

18 Q. Let me show you what's been marked as Exhibit
19 264G. Do you recognize who is in that
20 photograph?

21 A. My father.

22 Q. Okay. And who is your father dancing with?

23 A. I can't see the face.

1 Q. Do you know if that photograph was taken at Darcy
2 Black's wedding?

3 A. No, I don't.

4 Q. Let me show you what's been marked as 264H. Do
5 you recognize anyone in that photograph?

6 A. Bob, his wife, and is it Raelean Rush?

7 Q. You tell me.

8 A. One of the Rush girls.

9 Q. Do you know -- there are two women on the
10 right-hand side of the picture. Do you know who
11 they are?

12 A. No.

13 Q. Okay. Do you -- was that picture taken at Darcy
14 Black's wedding, if you know?

15 A. I do not know.

16 Q. I'm going to show you what's been marked as 264K.
17 Do you recognize any individual in that picture?

18 A. There's Darcy, Bob and Debbie and one of the Rush
19 girls.

20 Q. Okay. And Debbie, being Negrych?

21 A. Yes.

22 Q. The Rush girl, being the multi-colored dress and
23 blonde hair?

1 A. Correct.

2 Q. Let me show you what's been marked as Exhibit
3 264J. Do you recognize anyone in that
4 photograph?

5 A. The Rush girl and Debbie. I believe that's
6 Keegan, his wife and Darcy.

7 Q. Was this photograph taken at Darcy Black's
8 wedding?

9 A. I don't know. I assume so.

10 Q. Again, when you said the Rush girls, the woman in
11 the multi-colored dress with the black hat and
12 the blonde hair?

13 A. Yes.

14 Q. Do you recognize her as Raelean Rush?

15 A. I don't know if it was Raelean or Regina.

16 Q. Okay. Let me show you what's been marked as
17 Exhibit 264I. Do you recognize anyone in that
18 photograph?

19 A. The Rush girl and Debbie.

20 Q. By the Rush girl, you mean the woman in the
21 multi-colored dress with the blonde hair?

22 A. Yes.

23 Q. And do you recognize that as --

1 A. Bob's wife.

2 Q. -- Diane Seibert?

3 A. Correct.

4 Q. Okay. And the woman in the black dress, do you
5 recognize that as Debbie Negrych?

6 A. Yes.

7 Q. And all these individuals that you recognize,
8 were they all employed at Black Angus Meat?

9 A. I believe so, yes.

10 Q. Do you recall a time when instead of parking in
11 the parking lot at Black Angus Meat, Robert
12 Seibert requested that people could also park
13 across the street?

14 MS. BAHAS: Objection to form.

15 BY MS. GRECO:

16 Q. I'm sorry. They could park next door at ABC
17 Rental?

18 MS. BAHAS: Objection to form.

19 BY MS. GRECO:

20 Q. You can answer.

21 A. No.

22 Q. Were you ever at Black Angus Meat on a Sunday or
23 Monday?

1 A. No.

2 Q. Were you aware of Black Angus Meat not being open
3 to the public, but individuals work there on
4 Sundays and Mondays during deer season?

5 MS. BAHAS: Objection. Form.

6 THE WITNESS: No.

7 BY MS. GRECO:

8 Q. Did you ever -- did your father ever work on a
9 Sunday or Monday at Black Angus Meat, to your
10 knowledge?

11 A. Never knew his schedule.

12 Q. So you don't know?

13 A. Correct.

14 Q. Did you ever bring him a hot dog or lunch at
15 Black Angus Meat on a Sunday or Monday?

16 A. I believe not, no.

17 Q. Did you ever bring him dinner at Black Angus Meat
18 as opposed to lunch?

19 A. Just around the lunch times I would bring him
20 something to eat.

21 Q. So during the greater than one and less than ten
22 times that you were at Black Angus Meat during
23 each of the years I referred you to, 2007, '8, '9

1 and part of '10, you would only have been there
2 between eleven and twelve and twelve and one, is
3 that accurate?

4 A. I don't have a specific time that I was there.

5 Q. But it would have been the lunch hour?

6 MS. BAHAS: Objection. Asked and answered.

7 BY MS. GRECO:

8 Q. You could answer.

9 A. It could have been at four o'clock. But what I
10 remember, it was during the afternoon, around
11 lunchtime.

12 Q. Why would you bring him lunch at four o'clock?

13 A. It's a time I could get there. I know he's not a
14 big eater. He's a worker.

15 Q. So he could have been there at four o'clock at
16 night still working?

17 A. Yes.

18 Q. Okay. During the year 2008, how many -- what
19 days did your father work at Black Angus Meat?

20 MS. BAHAS: Objection. Asked and answered.

21 THE WITNESS: No idea.

22 BY MS. GRECO:

23 Q. Do you know how many days he worked at Black

1 Angus Meat?

2 MS. BAHAS: Objection. Asked and answered.

3 BY MS. GRECO:

4 Q. You can answer.

5 A. No.

6 Q. Could he have worked full-time at Black Angus
7 Meat?

8 A. I don't know his schedule.

9 Q. Did he ever offer you the opportunity to work at
10 Black Angus Meat?

11 MS. BAHAS: Objection to form.

12 BY MS. GRECO:

13 Q. You can answer.

14 A. No.

15 Q. Did he ever discuss with you the opportunity to
16 work at Black Angus Meat?

17 MS. BAHAS: Objection to form. Who is he?

18 BY MS. GRECO:

19 Q. You can answer.

20 A. No.

21 Q. Do you smoke?

22 A. No.

23 Q. Have you ever done roofing with any of the

1 Seiberts?

2 A. No.

3 Q. Have you ever done roofing with Keegan Roberts?

4 A. No. I'm scared of heights.

5 Q. Have you ever done ceramic tile?

6 A. At my house.

7 Q. Have you ever done ceramic tile for Robert
8 Seibert?

9 A. No.

10 Q. Have you ever done ceramic tile for Keegan
11 Roberts?

12 A. No.

13 Q. Have you ever done -- have you helped Robert
14 Seibert move anything? I mean, outside of the
15 store, meaning moving furniture or anything?

16 A. No.

17 Q. Have you ever helped Keegan Roberts move
18 anything?

19 A. No.

20 Q. Has Keegan Roberts ever done ceramic tile at your
21 house?

22 A. Yes.

23 Q. What has he done for you?

1 A. Him and I did a room in my basement.

2 Q. Was he compensated for that?

3 A. No.

4 Q. And did Keegan Roberts ever do roofing for you?

5 A. No.

6 Q. Did Keegan Roberts ever help you move anywhere?

7 A. No.

8 Q. To the best of your knowledge, has any

9 African-Americans been employed at Black Angus
10 Meat?

11 A. I don't know.

12 Q. Did you ever observe, during the time you were at
13 Black Angus Meat, any African-American employee
14 working there?

15 A. No.

16 Q. Were you ever aware of any policies and
17 procedures at Black Angus Meat regarding
18 discrimination?

19 MS. BAHAS: Objection to form.

20 THE WITNESS: No.

21 BY MS. GRECO:

22 Q. Were you ever aware of any policies or procedures
23 at Black Angus Meat regarding retaliation?

1 MS. BAHAS: Objection to form.

2 THE WITNESS: No.

3 BY MS. GRECO:

4 Q. Were you ever aware of any policies or procedures
5 at Black Angus Meat regarding harassment?

6 MS. BAHAS: Objection. Form.

7 THE WITNESS: No.

8 BY MS. GRECO:

9 Q. Were you ever aware of any policies and
10 procedures at Black Angus Meat regarding hostile
11 environment?

12 MS. BAHAS: Objection to form.

13 BY MS. GRECO:

14 Q. You can answer.

15 A. No.

16 Q. Were you ever present when anyone requested an
17 application for employment at Black Angus Meat?

18 A. No.

19 Q. Were you present when anyone submitted an
20 application for employment at Black Angus Meat?

21 A. No.

22 Q. Were you ever present when anyone was interviewed
23 for a position at Black Angus Meat?

1 A. No.

2 Q. Were you ever -- did you ever apply for a
3 position at Black Angus Meat?

4 A. No.

5 Q. Did you ever interview for a position at Black
6 Angus Meat?

7 A. No.

8 Q. When you worked at Black Angus Meat, were there
9 any minority employees?

10 MS. BAHAS: Objection to form.

11 BY MS. GRECO:

12 Q. Do you know what I mean by that?

13 A. No.

14 Q. Were there any employees that were Middle
15 Eastern?

16 A. Were what?

17 Q. During the times that you were at Black Angus
18 Meat, as you indicated, during those time periods
19 that you indicated, were there any Middle Eastern
20 employees?

21 MS. BAHAS: Objection. Form.

22 THE WITNESS: I don't know the background of anyone
23 that worked there.

1 BY MS. GRECO:

2 Q. Were there any Asian employees?

3 MS. BAHAS: Objection. Form.

4 THE WITNESS: I don't recall.

5 BY MS. GRECO:

6 Q. Is there anything that would help you refresh
7 your recollection?

8 A. No.

9 Q. In other words, would anything help you remember?

10 A. No.

11 Q. Would it ever be appropriate for anyone -- strike
12 that. Would it ever be appropriate for an
13 employee at Black Angus Meat to say the following
14 while working -- to refer to Black Angus Meat
15 customers as nigs?

16 MS. BAHAS: Objection. Form.

17 BY MS. GRECO:

18 Q. You can answer.

19 A. Did I ever hear that?

20 Q. I said, would it ever be appropriate for an
21 employee at Black Angus Meat while working to
22 refer to Black Angus Meat black customers as
23 nigs?

1 MS. BAHAS: Are you asking him for his opinion?

2 MS. GRECO: I'm asking if it's appropriate. He's
3 been at Black Angus Meat.

4 MS. BAHAS: Objection. You can answer.

5 THE WITNESS: Would it be appropriate?

6 BY MS. GRECO:

7 Q. Yes.

8 A. No.

9 Q. Did you ever hear anyone at Black Angus Meat,
10 while you were there during the times you were
11 there, use the word nigs?

12 A. No.

13 Q. Did you ever hear anyone refer to
14 African-American employees by stating -- strike
15 that. Did you ever hear anyone at Black Angus
16 Meat, an employee, state relative to black
17 customers, how can they have nice cars and get
18 food stamps?

19 A. No.

20 Q. Would it ever be appropriate for an employee at
21 Black Angus Meat to make such a statement
22 regarding a customer?

23 MS. BAHAS: Objection to form.

1 BY MS. GRECO:

2 Q. You can answer.

3 A. I believe not.

4 Q. At any time while you were at Black Angus Meat,
5 did you ever hear an employee of Black Angus Meat
6 say the following regarding a black customer or
7 customers, in these or similar words, how can
8 they have nice cars and get food stamps?

9 A. Never heard that.

10 Q. Would it ever be appropriate for an employee at
11 Black Angus Meat to say relative to customers --
12 black customers of Black Angus Meat that Bob's
13 nigs are dirtying up the parking lot?

14 MS. BAHAS: Objection. Form.

15 BY MS. GRECO:

16 Q. You can answer.

17 A. Never heard that.

18 Q. Would it be appropriate?

19 A. No.

20 MS. BAHAS: Objection to form.

21 BY MS. GRECO:

22 Q. Would it ever be appropriate to use the word
23 nigger at work at Black Angus Meat?

1 MS. BAHAS: Objection to form.

2 BY MS. GRECO:

3 Q. Did you ever hear your father refer to any of
4 Black Angus Meat customers as inner-city
5 customers?

6 A. No.

7 Q. Did you ever wrap meat at Black Angus Meat?

8 A. No.

9 Q. Did you ever perform any cleaning at Black Angus
10 Meat?

11 A. No.

12 Q. Did you ever do any concrete work at Black Angus
13 Meat?

14 A. No.

15 Q. Were you ever present when deer was processed at
16 Black Angus Meat?

17 MS. BAHAS: Objection. Asked and answered.

18 THE WITNESS: By being processed, I don't know what
19 you mean.

20 BY MS. GRECO:

21 Q. Anything from beginning to end when a deer is
22 taken in, when it's skinned?

23 A. Just when my dad taught me.

1 Q. Okay. Did he teach you how to skin a deer?

2 A. No. They were already skinned when he got them.

3 Q. So when you went on those specific few occasions
4 you told us about, the deer was already skinned?

5 A. Correct.

6 Q. And what were you doing?

7 MS. BAHAS: Objection to form.

8 THE WITNESS: Standing watching.

9 BY MS. GRECO:

10 Q. Did you, yourself, ever cut it up?

11 A. No.

12 Q. You just watched?

13 A. Yes.

14 Q. That's how he trained you, by watching?

15 A. Yes.

16 Q. Okay. Do you know if that's how he trains other
17 individuals?

18 A. No, I don't.

19 MS. BAHAS: Objection to form.

20 BY MS. GRECO:

21 Q. Did you ever see venison sausage being made at
22 Black Angus Meat?

23 A. Yes.

1 Q. Okay. And how did you see that?

2 A. It was in the back room where they were cutting
3 up the deer.

4 Q. Okay. And were you ever involved in any of the
5 process dealing with venison sausage?

6 A. No.

7 MS. BAHAS: Objection to form.

8 BY MS. GRECO:

9 Q. Have you ever traveled with the Seiberts
10 anywhere?

11 A. No.

12 Q. Has your father ever traveled with the Seiberts,
13 gone on vacation with them, anything of that
14 nature?

15 A. No.

16 Q. Have you ever traveled with Keegan Roberts?

17 A. No.

18 Q. Have you ever gone on vacation with Keegan
19 Roberts?

20 A. No.

21 Q. Did you ever volunteer -- do any volunteer work
22 at Black Angus Meat?

23 A. No.

1 Q. When you would go and your father would take a
2 dinner break, would he have to clock out at Black
3 Angus Meat?

4 MS. BAHAS: Objection. Form.

5 BY MS. GRECO:

6 Q. You can answer.

7 A. I don't know.

8 Q. Do you know what clock out means?

9 A. I never seen that.

10 Q. Okay. So you've never seen him clock out. Do
11 you know if your father had a time card at Black
12 Angus Meat?

13 A. No, I don't.

14 Q. Did you ever see anyone utilize a time card at
15 Black Angus Meat?

16 A. No, I did not.

17 Q. Did you ever become aware that Keegan Roberts
18 became a partner at Black Angus Meat?

19 MS. BAHAS: Objection to form.

20 THE WITNESS: No.

21 BY MS. GRECO:

22 Q. Sitting here today, you are unaware that he's a
23 partner at Black Angus Meat or owner?

1 MS. BAHAS: Objection to form.

2 THE WITNESS: No.

3 BY MS. GRECO:

4 Q. Sitting here today, do you have any knowledge
5 whether Keegan Roberts is an owner of Black Angus
6 Meat?

7 A. No.

8 Q. At any time were you ever aware of Black Angus
9 Meat employing a Native American?

10 A. No.

11 Q. At any time were you aware of Black Angus Meat
12 employing someone who is Middle Eastern?

13 MS. BAHAS: Objection. Asked and answered.

14 BY MS. GRECO:

15 Q. I don't recall your answer.

16 A. I don't remember that, no.

17 Q. Do you know what the retail store hours were for
18 Black Angus Meat during the years 2007, '8, '9
19 and '10?

20 A. No.

21 Q. Are you personal friends outside of work with
22 Mark Leible?

23 A. Who?

1 Q. Mark Leible.

2 A. No.

3 Q. Were you personal friends outside of work at
4 Black Angus Meat with Jamie Lapress?

5 MS. BAHAS: Objection. Form.

6 BY MS. GRECO:

7 Q. You can answer.

8 A. No.

9 Q. Were you personal friends outside of work with
10 Sean Round?

11 A. No.

12 MS. BAHAS: Objection. Form.

13 BY MS. GRECO:

14 Q. Were you personal friends outside of work with
15 Debbie Negrych?

16 A. No.

17 MS. BAHAS: Objection. Form.

18 BY MS. GRECO:

19 Q. Did you ever refer to Debbie Negrych as the face
20 of the Angus?

21 A. No.

22 Q. What was your understanding of what position
23 Debbie Negrych held at Black Angus Meat?

1 MS. BAHAS: Objection to form.

2 BY MS. GRECO:

3 Q. You can answer.

4 A. I do not know.

5 Q. Do you know if she worked on the counter?

6 A. That's where I've seen her when she was there.

7 Q. During the year 2007, do you know if Nicole

8 Seibert was employed at Black Angus Meat?

9 A. I know she worked there. I don't know her
10 specific dates.

11 Q. Okay. Did you ever observe anyone taking a break
12 at Black Angus Meat, other than your father?

13 MS. BAHAS: Objection. Form.

14 THE WITNESS: I was never there that long.

15 BY MS. GRECO:

16 Q. So you know your father did because you went on a
17 lunch break with him, right?

18 MS. BAHAS: Objection. Form.

19 BY MS. GRECO:

20 Q. Strike that. When you said you came and brought
21 your father a hot dog for lunch, you said he
22 would take a break at that time.

23 MS. BAHAS: Objection. Form.

1 BY MS. GRECO:

2 Q. Is that true? I don't want to misstate.

3 A. Yes. He would stop for about ten minutes, eat
4 his hot dog and go back to work.

5 Q. I don't want to misstate that. I thought you
6 said he would leave his workstation and go
7 somewhere and spend time, whether it's ten
8 minutes or whatever, having lunch or eat with
9 you. Is that true?

10 A. Correct.

11 Q. Did you ever observe anyone else taking any kind
12 of break at Black Angus Meat when you were there?

13 MS. BAHAS: Objection. Form.

14 THE WITNESS: No.

15 BY MS. GRECO:

16 Q. Do you know a person by the name of Taylor
17 Kunzelman?

18 MS. BAHAS: Objection. Asked and answered.

19 THE WITNESS: No.

20 BY MS. GRECO:

21 Q. Did you ever observe Darcy Black on the telephone
22 at Black Angus Meat?

23 A. No.

1 Q. Did you ever observe Darcy Black using a cell
2 phone at Black Angus Meat?

3 A. I don't recall, no.

4 Q. Did you ever observe anyone using a cell phone
5 during working hours at Black Angus Meat?

6 A. No.

7 Q. Did you ever observe Darcy Black in tears at
8 Black Angus Meat?

9 MS. BAHAS: Objection to form.

10 THE WITNESS: No.

11 BY MS. GRECO:

12 Q. Did you ever learn from anyone that Darcy Black
13 received phone calls from anyone during working
14 hours at Black Angus Meat?

15 MS. BAHAS: Objection to form.

16 THE WITNESS: No.

17 BY MS. GRECO:

18 Q. Did you ever observe Darcy Black ever having
19 taken a break at Black Angus Meat?

20 MS. BAHAS: Objection. Asked and answered.

21 BY MS. GRECO:

22 Q. You can answer.

23 A. There's been times when I would show up, she

1 would be outside smoking.

2 Q. How would you know that?

3 A. Vision.

4 Q. Who, if anyone, would be smoking with her?

5 A. Just Darcy.

6 Q. Did you ever observe anybody else smoking when
7 you arrived at Black Angus Meat?

8 A. No.

9 Q. Do you know if anyone else smokes at Black Angus
10 Meat?

11 A. No, I don't.

12 Q. Did you ever observe Mark Leible smoking at Black
13 Angus Meat? By that, I mean outside.

14 A. No.

15 Q. Did you ever observe Jamie Lapress smoking
16 anywhere at Black Angus Meat at any time?

17 A. Who?

18 Q. Jamie Lapress.

19 A. I believe so, yes.

20 Q. Did you ever observe Roseanne Barnes smoking at
21 Black Angus Meat?

22 A. I don't know her.

23 Q. Okay. Did you ever hear of someone by the name

1 of Aunt Roe that worked at Black Angus Meat?

2 A. No.

3 Q. Did you ever observe Keegan Roberts -- strike
4 that. Did you ever observe Jamie Lapress come to
5 work late?

6 MS. BAHAS: Objection. Form.

7 BY MS. GRECO:

8 Q. You can answer.

9 A. No.

10 Q. Did you ever observe Sean Round come to work
11 late?

12 MS. BAHAS: Objection. Form.

13 BY MS. GRECO:

14 Q. You can answer.

15 A. I never knew anyone's start time.

16 Q. You have no knowledge of when anyone started
17 work?

18 A. Correct.

19 Q. Do you have any familiarity with food stamps?

20 MS. BAHAS: Objection. Form.

21 THE WITNESS: Do I?

22 BY MS. GRECO:

23 Q. Yes.

1 A. No.

2 Q. Did you ever observe what time of the month Black
3 Angus Meat was more busy?

4 A. No.

5 MS. BAHAS: Objection to form.

6 BY MS. GRECO:

7 Q. Were you ever aware of anyone smoking marijuana
8 at Black Angus Meat?

9 A. No.

10 Q. Do you know who Sean Round's girlfriend was --

11 A. No.

12 MS. BAHAS: Objection to form.

13 BY MS. GRECO:

14 Q. Let me finish. Do you know who Sean Round's
15 girlfriend was while he was employed at Black
16 Angus Meat and before he married her?

17 MS. BAHAS: Objection to form.

18 THE WITNESS: No.

19 BY MS. GRECO:

20 Q. Did you ever observe Darcy Black's husband at
21 Black Angus Meat?

22 A. No.

23 Q. Did you ever meet Darcy Black's children?

1 A. No.

2 Q. Did you meet them at her wedding?

3 A. No.

4 Q. When you would see Robert Seibert, would he say
5 hello to you?

6 MS. BAHAS: Objection. Form.

7 THE WITNESS: Yes.

8 BY MS. GRECO:

9 Q. Did you ever observe him say hello or greet Darcy
10 Black in any way?

11 A. No.

12 Q. Did your father ever work on Saturdays at Black
13 Angus Meat?

14 MS. BAHAS: Objection. Asked and answered.

15 MS. GRECO: I asked Sundays and Mondays.

16 BY MS. GRECO:

17 Q. Did your father work on Saturdays at Black Angus
18 Meat?

19 MS. BAHAS: Objection. Asked and answered.

20 THE WITNESS: I believe so. I don't think every
21 Saturday.

22 BY MS. GRECO:

23 Q. Okay. Did you ever bring him lunch on Saturday

1 at Black Angus Meat?

2 A. I don't recall.

3 Q. Did you ever observe anyone packing boxes or
4 packs for customers at Black Angus Meat?

5 MS. BAHAS: Objection. Asked and answered multiple
6 times.

7 BY MS. GRECO:

8 Q. You can answer.

9 A. I don't recall.

10 Q. Again, you don't recall. You could have observed
11 it?

12 A. People are working. I don't stop and they point
13 out what they are doing.

14 Q. But I'm saying based on your observation, did you
15 ever see anyone who was packing a box or carton
16 or something for a customer?

17 MS. BAHAS: Objection. Asked and answered multiple
18 times.

19 BY MS. GRECO:

20 Q. If you don't know, say you don't know.

21 A. I don't recall.

22 Q. Did you ever see anyone packing a car, truck or
23 van for delivery at Black Angus Meat?

1 A. Yes.

2 Q. Who?

3 A. It varied. Whoever was working.

4 Q. Okay. And how would you observe that?

5 A. When I would visit my dad, I would walk through
6 and they were outside loading a van.

7 Q. Were you ever in the packing room, not just
8 walking through, but in the packing room when the
9 packs were done and ready to be loaded?

10 MS. BAHAS: Objection to form.

11 THE WITNESS: Can you repeat that?

12 BY MS. GRECO:

13 Q. Were you ever in the packing room when the packs
14 were done and ready to be loaded?

15 MS. BAHAS: Objection to form.

16 BY MS. GRECO:

17 Q. You can answer.

18 A. No.

19 Q. Does the pack room have any windows at Black
20 Angus Meat?

21 A. I don't know.

22 Q. Did you ever hear Jamie Lapress make a joke
23 regarding Darcy Black or her children?

1 A. No.

2 Q. Did you ever hear any jokes at Black Angus Meat?

3 A. No.

4 Q. Did you ever say any jokes at Black Angus Meat?

5 A. No.

6 Q. Did you ever hear anybody say anything derogatory
7 at Black Angus Meat while you were there?

8 MS. BAHAS: Objection. Form.

9 BY MS. GRECO:

10 Q. You can answer.

11 A. No.

12 Q. Did you ever see Darcy Black engage in any kind
13 of conduct which was deemed inappropriate
14 behavior at work?

15 MS. BAHAS: Objection. Form.

16 BY MS. GRECO:

17 Q. You can answer.

18 A. No.

19 Q. Do you know how Darcy Black's work ended at Black
20 Angus Meat?

21 A. No.

22 Q. Do you know if she ever complained regarding how
23 she was treated at Black Angus Meat?

1 A. No.

2 Q. Do you know if Darcy Black ever complained of
3 discrimination at Black Angus Meat?

4 A. I do not.

5 Q. Do you know if Darcy Black ever complained of a
6 hostile environment at Black Angus Meat?

7 MS. BAHAS: Objection to form.

8 BY MS. GRECO:

9 Q. Do you know if Darcy Black ever complained of a
10 hostile environment at Black Angus Meat?

11 MS. BAHAS: Objection to form.

12 BY MS. GRECO:

13 Q. You can answer.

14 A. No.

15 Q. Do you know of anyone at any time ever making any
16 complaint at Black Angus Meat?

17 MS. BAHAS: Objection. Form.

18 THE WITNESS: No.

19 BY MS. GRECO:

20 Q. You can answer.

21 Did your father have any complaint, ever,
22 relative to his employment at Black Angus Meat?

23 MS. BAHAS: Objection. Form.

1 THE WITNESS: No.

2 BY MS. GRECO:

3 Q. Did your brother, Christopher, ever have any
4 complaint at any time relative to his employment
5 at Black Angus Meat?

6 MS. BAHAS: Objection. Form.

7 THE WITNESS: No.

8 BY MS. GRECO:

9 Q. Did you ever hear Sean Round say to Raelean Rush
10 and/or Regina Rush that she would be better off
11 with a white guy?

12 A. No.

13 Q. Were you aware of Raelean Rush dating an
14 African-American male while she was employed at
15 Black Angus Meat?

16 A. No.

17 Q. Were you aware of Regina Rush dating an
18 African-American male while she was employed at
19 Black Angus Meat?

20 A. No.

21 Q. Would it ever be appropriate for a white employee
22 to tell a female white employee -- or, strike
23 that. Would it ever be appropriate for a male

1 white employee to tell a female white employee
2 that was dating an African-American that she
3 would be better off with a white guy?

4 MS. BAHAS: Objection to form.

5 BY MS. GRECO:

6 Q. You can answer.

7 A. Say that again.

8 Q. Would it ever be appropriate for a white male
9 employee at Black Angus Meat to tell a white
10 female at Black Angus Meat who was dating a black
11 man that she would be better off with a white
12 guy?

13 MS. BAHAS: Objection to form.

14 THE WITNESS: Do you want my opinion?

15 BY MS. GRECO:

16 Q. Yes.

17 A. No.

18 Q. Would it ever be appropriate for a Caucasian,
19 white male employee at Black Angus Meat to tell a
20 white female employee at Black Angus Meat who is
21 dating a black male that she needs to be with one
22 of her own kind?

23 MS. BAHAS: Objection. Form.

1 BY MS. GRECO:

2 Q. You can answer.

3 A. No.

4 Q. Would it ever be appropriate for a white male
5 employee at Black Angus Meat to tell a white
6 female employee at Black Angus Meat who is dating
7 a black man, what is wrong with white guys?

8 MS. BAHAS: Objection. Form.

9 THE WITNESS: No.

10 BY MS. GRECO:

11 Q. Would it ever be appropriate for a white male
12 employee at Black Angus Meat to tell a white
13 female employee at Black Angus Meat who was
14 dating a black man that her boyfriend was using
15 her for her good credit score?

16 MS. BAHAS: Objection. Form.

17 THE WITNESS: No.

18 BY MS. GRECO:

19 Q. Any of the comments that I just asked you, did
20 you ever hear them said at Black Angus Meat?

21 MS. BAHAS: Objection. Form.

22 THE WITNESS: No.

23 BY MS. GRECO:

1 Q. Would it ever be appropriate for a Caucasian male
2 at Black Angus Meat to tell a Caucasian female at
3 Black Angus Meat who was dating a black male that
4 he was using her for her name because black men
5 always cheat and he probably has a lot of
6 girlfriends?

7 MS. BAHAS: Objection to form.

8 THE WITNESS: No.

9 BY MS. GRECO:

10 Q. Did you ever hear that said at Black Angus Meat?

11 A. No.

12 Q. Did you ever hear anyone at Black Angus Meat ever
13 say you can talk about the weather and sports,
14 but leave your personal dramas at home?

15 A. No.

16 Q. Would it ever be appropriate for an owner at
17 Black Angus Meat to tell Darcy Black, who has two
18 biracial children, that she would have -- in
19 these or similar words, that she would have to
20 get used to the idea her children were black,
21 there was no changing that, school kids are cruel
22 and racial remarks from kids is not unusual?

23 MS. BAHAS: Objection to form.

1 THE WITNESS: No.

2 BY MS. GRECO:

3 Q. Would that ever be appropriate?

4 MS. BAHAS: Objection to form.

5 THE WITNESS: No.

6 BY MS. GRECO:

7 Q. Did you ever hear Robert Seibert tell that to
8 Darcy Black?

9 A. No.

10 Q. Would it ever be appropriate for a male employee
11 of Black Angus Meat to say, relative to a female
12 employee, that she's got a nice ass?

13 MS. BAHAS: Objection to form.

14 THE WITNESS: No.

15 BY MS. GRECO:

16 Q. Would it ever be appropriate for a male employee
17 of Black Angus Meat to say, regarding a female
18 employee or customer, that her headlights are on?

19 MS. BAHAS: Objection to form.

20 THE WITNESS: No.

21 BY MS. GRECO:

22 Q. Would it ever be appropriate for a male employee
23 at Black Angus Meat to say, regarding a female

1 employee or female customer, look at that
2 cleavage?

3 MS. BAHAS: Objection to form.

4 THE WITNESS: No.

5 BY MS. GRECO:

6 Q. Would it ever be appropriate for a male employee
7 at Black Angus Meat, for a male employee to say
8 relative to a female employee or customer, does
9 the carpet match the drapes?

10 MS. BAHAS: Objection to form.

11 THE WITNESS: No.

12 BY MS. GRECO:

13 Q. And those comments I just told you, she's got a
14 nice ass, her headlights are on, look at the
15 cleavage, does the carpet match the drapes, would
16 you agree with me that if those comments were
17 made, they were sexually offensive?

18 MS. BAHAS: Objection. Form.

19 THE WITNESS: Yes.

20 BY MS. GRECO:

21 Q. Okay. And would you agree with me there is no
22 place for those in a work environment?

23 MS. BAHAS: Objection to form.

1 THE WITNESS: Yes.

2 BY MS. GRECO:

3 Q. Would you agree with me that the comment --
4 strike that. Would you agree with me that if
5 Robert Seibert ever told Darcy Black that she
6 would have to get used to the idea her children
7 were black, there's no changing that, school kids
8 are cruel and racial remarks from kids are not
9 unusual, that that would be racially offensive --

10 MS. BAHAS: Objection. Form.

11 BY MS. GRECO:

12 Q. -- to Darcy Black?

13 MS. BAHAS: Objection. Form.

14 THE WITNESS: Yes.

15 BY MS. GRECO:

16 Q. Were you aware of an incident where Jamie Lapress
17 needed a key for a paper towel holder that he
18 could not open?

19 MS. BAHAS: Objection to form.

20 THE WITNESS: No.

21 BY MS. GRECO:

22 Q. Would it ever be appropriate for a white employee
23 at Black Angus Meat to tell a female employee

1 whose children's father is African-American that
2 she has two black kids, so she must know how to
3 break into a paper towel holder?

4 MS. BAHAS: Objection. Form.

5 THE WITNESS: Could you repeat that?

6 MS. GRECO: Could you repeat it.

7 (Whereupon, the above-requested question was
8 then read back by the reporter.)

9 THE WITNESS: No.

10 BY MS. GRECO:

11 Q. Would you agree with me that's racially
12 offensive?

13 MS. BAHAS: Objection to form.

14 THE WITNESS: Yes.

15 BY MS. GRECO:

16 Q. Did anyone ever indicate to you that an
17 investigation was being done regarding anyone's
18 complaints of discrimination, harassment,
19 retaliation or hostile environment at Black Angus
20 Meat?

21 MS. BAHAS: Objection to form.

22 BY MS. GRECO:

23 Q. You can answer.

1 A. No.

2 Q. Specifically, were you aware of any investigation
3 being done by Keegan Roberts relative to Darcy
4 Black's complaints of discrimination, harassment,
5 hostile environment, retaliation?

6 MS. BAHAS: Objection to form. Asked and answered.

7 BY MS. GRECO:

8 Q. You can answer.

9 A. No.

10 Q. Do you know an individual by the name of Kim
11 Putnam?

12 A. No.

13 Q. Do you know an individual by the name of Jim
14 Putnam?

15 A. No.

16 Q. Do you know an individual by the name of
17 Spartacus Town?

18 A. No.

19 Q. Do you know an individual by the name of Leo
20 Cumberland Junior?

21 A. No.

22 Q. Do you know a customer at Black Angus Meat by the
23 name of Mr. John?

1 A. No.

2 Q. Did you ever distribute Black Angus Meat flyers?

3 A. Did I what?

4 Q. Ever distribute Black Angus Meat flyers, pass
5 them out?

6 A. No.

7 Q. Did you ever do any delivery of any Black Angus
8 Meat product to anyone?

9 A. No.

10 Q. Did you ever borrow money from Robert Seibert?

11 A. No.

12 Q. Did you ever borrow any money from Diane Seibert?

13 A. No.

14 Q. Did you ever borrow money from Keegan Roberts?

15 A. No.

16 Q. Did anyone ever indicate to you that Darcy Black
17 left work because she accepted a job somewhere
18 else?

19 A. No.

20 Q. Were you aware of Sean Round wanting to date
21 Raelean Rush?

22 MS. BAHAS: Objection to form.

23 THE WITNESS: No.

1 BY MS. GRECO:

2 Q. When I talk about the cooler, do you understand
3 what I'm talking about at Black Angus Meat?

4 A. Yes.

5 Q. Where was the cooler located in relation to the
6 bathroom?

7 MS. BAHAS: Objection to form.

8 THE WITNESS: I believe there was a door right next
9 to the bathroom.

10 BY MS. GRECO:

11 Q. Were you ever in the cooler at Black Angus Meat?

12 A. Yes.

13 Q. For what reason?

14 A. My dad would ask me to lift a heavy box for him.

15 Q. And where would you bring the box, to your dad?

16 A. From the cooler out to his table.

17 Q. Okay. On how many occasions -- do you remember
18 the years I asked you about where you said it was
19 greater than one, less than ten? On how many of
20 those occasions on an annual basis, more than
21 one, less than ten, did you bring something out
22 for your father from the cooler?

23 A. I guess twice a year.

1 Q. Do you know an individual by the name of Matthew
2 Marshall?

3 A. No.

4 Q. Do you know where the finished packs would be put
5 in the packing room prior to being loaded for
6 delivery?

7 MS. BAHAS: Objection to form.

8 THE WITNESS: I seen some in the hallway there.

9 BY MS. GRECO:

10 Q. When you say the hallway, is that relative to --
11 what would be next to it?

12 MS. BAHAS: Objection to form.

13 THE WITNESS: What would be next to what?

14 BY MS. GRECO:

15 Q. When you say the hallway, are you talking about
16 the hallway, like when you enter the doorway from
17 the outside to the pack room?

18 A. Correct.

19 Q. So there's an employee door to come in. Do you
20 know where I'm talking about?

21 A. Yes.

22 Q. Then there's the area where they would have the
23 packs ready to be loaded. On the other side of

1 that, was there a doorway to the outside?

2 MS. BAHAS: Objection to form.

3 THE WITNESS: Into the pack room?

4 BY MS. GRECO:

5 Q. Out of the pack room. There would be packs to be
6 loaded. And then would you walk past them, you
7 could go outside?

8 A. Correct.

9 MS. BAHAS: Objection to form.

10 BY MS. GRECO:

11 Q. Where would they be parked? Do you know what
12 they loaded? Did they have vans or trucks or
13 what?

14 A. Vans.

15 Q. So was it just one van or more?

16 A. A white van.

17 Q. Okay. Then it would be loaded then from that
18 waiting area into the white van?

19 A. Yes.

20 Q. Okay. And that area that you would walk to the
21 outside, where on one side you had the finished
22 packs waiting for -- to be loaded. On the other
23 side of that, was that where Darcy Black would

1 have worked at the packing table?

2 MS. BAHAS: Objection. Form.

3 THE WITNESS: On the other side of that wall?

4 BY MS. GRECO:

5 Q. Yes. One side would be the finished packs, then
6 you walk outside. On the other side of that, is
7 that where the packing table was where Darcy
8 Black worked at?

9 MS. BAHAS: Objection to form.

10 THE WITNESS: That's where I seen people working in
11 there.

12 BY MS. GRECO:

13 Q. Packing product, right? I'm saying if you walk
14 straight in from that doorway where the packs are
15 packed into the white van, if you walk in, was
16 there a room for canned goods to be stored?

17 MS. BAHAS: Objection. Form.

18 BY MS. GRECO:

19 Q. You can answer.

20 A. I believe so, yes.

21 Q. And if you were to walk straight in, on the
22 right-hand side there was a cooler with product
23 in it?

1 MS. BAHAS: Objection to form.

2 BY MS. GRECO:

3 Q. You can answer.

4 A. I never went in that cooler.

5 Q. Okay. If you go further up, there's a stand-up
6 freezer with product in it. Are you familiar
7 with that?

8 MS. BAHAS: Objection to form.

9 THE WITNESS: I've seen coolers in the one room as
10 soon as you walk in.

11 BY MS. GRECO:

12 Q. Do you recall seeing a freezer?

13 A. In that hallway there was one door next to the
14 bathroom. No. That was a cooler, I think.

15 Q. I'm talking about the pack room.

16 A. No.

17 Q. When you are in the pack room on the left-hand
18 side, when you walk in from where the loading
19 area is, on the left-hand side is where the
20 finished packs would be, right?

21 MS. BAHAS: Objection. Form.

22 THE WITNESS: In the hallway.

23 BY MS. GRECO:

1 Q. Yes. If you keep going straight, further on is
2 that room for the canned goods, right?

3 MS. BAHAS: Objection to form.

4 BY MS. GRECO:

5 Q. We are walking from outside where the truck is
6 being loaded. You walk in. On the left-hand
7 side is where the finished packs are to be packed
8 into the truck, right?

9 MS. BAHAS: Objection to form.

10 THE WITNESS: Correct.

11 BY MS. GRECO:

12 Q. If you keep walking in, there's that room for
13 canned goods to be stored on your left-hand side,
14 right?

15 MS. BAHAS: Objection to form.

16 THE WITNESS: When you walk in, it's on your
17 right-hand side.

18 BY MS. GRECO:

19 Q. Not from the employee door. From the other door
20 where they are packing the packs -- where they
21 are loading the packs.

22 MS. BAHAS: Objection to form.

23 THE WITNESS: I don't understand.

1 BY MS. GRECO:

2 Q. Did you ever come in any door other than the
3 employee door?

4 A. Yes. The front door.

5 Q. So where would you more often come in, the
6 employee door or the front door?

7 A. The employee door.

8 Q. So you come in in the employee door. I'm trying
9 to figure this out. You would walk in and you
10 could take a right into the pack room?

11 A. I think it was actually the can room. I don't
12 recall.

13 Q. Well, there's a can room. Then after that, can
14 you enter and go into the room where the packing
15 is done?

16 A. I believe so.

17 Q. And do you recall in the center of that room or
18 somewhere around the center of the room there
19 being freezers with product in it?

20 A. No.

21 Q. Do you recall anything being in the center of the
22 room?

23 A. There are a bunch of tables in there.

1 Q. Do you recall individuals going to those tables
2 to retrieve product to pack?

3 MS. BAHAS: Objection to form.

4 BY MS. GRECO:

5 Q. If you know.

6 A. I don't know.

7 Q. If you look straight ahead -- after you turn into
8 the pack room, if you were to look to your right
9 and see where Darcy was. If you look to the
10 left, was there another table where Keegan
11 Roberts or Sean Round or others would be packing?

12 MS. BAHAS: Objection to form.

13 THE WITNESS: I don't know.

14 BY MS. GRECO:

15 Q. Do you know where the deer was skinned?

16 A. One of the back rooms.

17 Q. Do you know where deer are waiting to be skinned?

18 MS. BAHAS: Objection to form.

19 THE WITNESS: One of the back rooms.

20 BY MS. GRECO:

21 Q. There's an area where they wait, one of the back
22 rooms where they wait. Then they have a room
23 where they skin them. And then after they skin

1 them, they come in to the packing room to be cut
2 up?

3 MS. BAHAS: Objection. Form.

4 BY MS. GRECO:

5 Q. After the regular meat is done and cleaned away,
6 when it's deer season and they are working with
7 deer, is that where the deer meat comes in?

8 MS. BAHAS: Objection to form.

9 THE WITNESS: I never seen where they pack the meat.

10 BY MS. GRECO:

11 Q. Did you see where they cut the meat up?

12 A. Yes.

13 Q. Where is that?

14 A. Last building.

15 Q. You never saw where they packed the meat, the
16 venison?

17 A. Correct.

18 Q. Did you ever see them have a bear brought in?

19 A. A bear? No.

20 Q. Did you ever see them bring in geese?

21 A. Geese?

22 Q. Yes.

23 A. No.

1 Q. Did you ever see them bring in elk?

2 A. No.

3 Q. Did you ever see them bring in caribou?

4 A. No.

5 Q. Do you know what caribou is?

6 A. Yes, I do.

7 Q. Okay. What is it?

8 A. It's a big deer.

9 Q. Were you personal friends with William Frase?

10 MS. BAHAS: Objection to form.

11 THE WITNESS: Who?

12 BY MS. GRECO:

13 Q. William Frase, Turtle, also known as Turtle.

14 A. Not really, no.

15 Q. Did you ever talk to him anywhere other than at
16 Black Angus Meat?

17 A. I believe at Bob's party.

18 Q. Okay. And were you aware of him purchasing a
19 house?

20 MS. BAHAS: Objection to form.

21 THE WITNESS: No. First time I heard Turtle's name.

22 BY MS. GRECO:

23 Q. Do you know Darcy Black's husband?

1 A. No.

2 Q. Did you ever see Darcy Black's husband at Black
3 Angus Meat?

4 MS. BAHAS: Objection. Asked and answer.

5 MS. GRECO: I don't think I asked that. I asked if
6 he knew him, then I asked if he ever saw him at
7 Black Angus Meat.

8 MS. BAHAS: Objection. Asked and answered.

9 BY MS. GRECO:

10 Q. You can answer.

11 A. No.

12 Q. Were you ever aware of anyone being counseled at
13 Black Angus Meat regarding any of their
14 performance?

15 MS. BAHAS: Objection. Form.

16 THE WITNESS: Being counseled?

17 BY MS. GRECO:

18 Q. Yes, regarding their performance.

19 MS. BAHAS: Objection. Form.

20 THE WITNESS: No.

21 BY MS. GRECO:

22 Q. No. What, if anything, did you observe Jamie
23 Lapress doing at Black Angus Meat?

1 A. Jamie?

2 Q. Yes.

3 A. I seen him work in the wash room.

4 Q. Anywhere else other than the wash room?

5 A. That's it.

6 Q. Okay. What, if anything, did you observe Mark
7 Leible do at Black Angus Meat?

8 A. I think I seen him pack sausage.

9 Q. What, if anything, did you observe Darcy Black
10 doing at Black Angus Meat?

11 A. Working the counter.

12 Q. Did you ever observe her packing packs?

13 A. I've seen her in the pack room.

14 Q. What did you observe her doing in the pack room?

15 A. I was walking by saying hello. That was it. I
16 never really observed what anyone was doing there
17 but --

18 Q. You walked by while she was in the pack room?

19 A. Correct.

20 Q. Okay. I just wasn't sure whether she walked by
21 you or you walked by her. So we're clear, you
22 walked by her while she was in the pack room?

23 A. Yes. If this was the pack room, that's the

1 hallway, that's the door. And I would walk past
2 the door and I would say hi.

3 Q. She would be in the pack room?

4 A. She would be in that room.

5 Q. Okay. Did you ever observe her packing packs?

6 MS. BAHAS: Objection. Asked and answered.

7 THE WITNESS: No.

8 BY MS. GRECO:

9 Q. No?

10 A. No.

11 Q. Did you ever observe anyone packing packs at
12 Black Angus Meat?

13 MS. BAHAS: Objection. Asked and answered.

14 BY MS. GRECO:

15 Q. You can answer.

16 A. I don't understand what you mean by packing.

17 Q. Did you ever observe anyone packing boxes or
18 cartons for customers at Black Angus Meat?

19 MS. BAHAS: Objection. Asked and answered multiple
20 times.

21 THE WITNESS: No.

22 BY MS. GRECO:

23 Q. Did you ever observe anybody making sausage at

1 Black Angus Meat?

2 MS. BAHAS: Objection. Asked and answered.

3 BY MS. GRECO:

4 Q. You can answer.

5 A. Making sausage?

6 Q. Yes.

7 A. Yes. Mark.

8 Q. Mark who? Mark Leible?

9 A. Yes. I don't know people's last names there.

10 Just first-name basis.

11 Q. I'll say the name. If that refreshes your
12 recollection, you can say it's okay, just so the
13 record is clear.

14 Did you ever observe anyone doing inventory
15 rotation at Black Angus Meat?

16 A. No.

17 Q. Did you ever observe anyone cleaning equipment at
18 Black Angus Meat?

19 A. No.

20 Q. Did you ever observe anyone setting up equipment
21 at Black Angus Meat?

22 A. No.

23 Q. Did you ever observe anyone cutting meat at Black

1 Angus Meat?

2 MS. BAHAS: Objection. Asked and answered.

3 THE WITNESS: My father.

4 BY MS. GRECO:

5 Q. Do you know who did the deliveries -- strike
6 that. Do you know who actually delivered the
7 products to the customers using the van?

8 A. I believe Bob.

9 Q. For the record, that's Bob Seibert?

10 A. Yes.

11 Q. When is the last time you talked to Raelean Rush?

12 A. No idea.

13 Q. Was it this year?

14 A. No.

15 Q. Was it last year?

16 A. No.

17 Q. Was it the year before?

18 A. I would say the last, maybe, year she worked
19 there. I don't know when that is.

20 Q. And do you know an individual by the name of
21 Nelson Schultz Senior?

22 A. Nelson?

23 Q. Schultz Senior.

1 A. No.

2 Q. Were you aware of Diane or Robert Seibert or
3 Keegan Roberts loaning any employees money at
4 Black Angus Meat?

5 A. Can you repeat it?

6 MS. GRECO: Can you repeat it, please.

7 (Whereupon, the above-requested question was
8 then read back by the reporter.)

9 THE WITNESS: No.

10 BY MS. GRECO:

11 Q. Would it ever be appropriate for Robert Seibert
12 to tell Darcy Black when she complained that her
13 children were referred to as niggers by Jamie
14 Lapress that, quote, unquote, stuff like that
15 happens all the time?

16 MS. BAHAS: Objection to form.

17 THE WITNESS: Are you asking my opinion if that's
18 appropriate?

19 BY MS. GRECO:

20 Q. Yes. In a work environment.

21 A. No, I don't think that's appropriate.

22 Q. Okay. Would it ever be appropriate for him to
23 tell her when she complained her children were

1 referred to as niggers by an employee, that it
2 happens in sports and politics and she would have
3 to deal with it?

4 MS. BAHAS: Objection. Form.

5 BY MS. GRECO:

6 Q. You can answer.

7 A. No.

8 Q. Were you ever offered any employment benefit at
9 Black Angus Meat?

10 MS. BAHAS: Objection. Form.

11 THE WITNESS: No.

12 BY MS. GRECO:

13 Q. To the best of your knowledge, who were the
14 supervisors at Black Angus Meat?

15 MS. BAHAS: Objection. Form.

16 BY MS. GRECO:

17 Q. If you know.

18 A. Bob.

19 Q. Robert Seibert?

20 A. And Diane.

21 Q. Diane Seibert. Did you recognize Keegan Roberts
22 as a supervisor?

23 MS. BAHAS: Objection. Form.

1 THE WITNESS: He worked there.

2 BY MS. GRECO:

3 Q. How about Debbie Negrych, did you recognize her
4 as a supervisor?

5 A. No.

6 Q. How about your father?

7 A. No.

8 Q. Was he ever left in charge?

9 A. He's an employee.

10 Q. Did you ever ask him if he was ever left in
11 charge at Black Angus Meat?

12 A. No.

13 Q. Okay. Did you ever notice that Black Angus Meat
14 had two separate registers?

15 A. No.

16 Q. Did you ever see money being taken in relative to
17 deer processing?

18 MS. BAHAS: Objection to form.

19 BY MS. GRECO:

20 Q. You can answer.

21 A. No.

22 Q. Were you ever aware of an incident when Amherst
23 police were called relative to the conduct of

1 Robert Seibert?

2 MS. BAHAS: Objection. Form.

3 BY MS. GRECO:

4 Q. You can answer.

5 A. No.

6 Q. Were you ever there when paychecks or monies were
7 distributed to individuals that perform services
8 at Black Angus Meat?

9 MS. BAHAS: Objection to form.

10 THE WITNESS: No.

11 BY MS. GRECO:

12 Q. Sorry?

13 A. No.

14 Q. Did you ever answer the telephone at Black Angus
15 Meat?

16 A. No.

17 MS. GRECO: Why don't we take a ten-minute break.

18 (Whereupon, a short recess was then taken.)

19 BY MS. GRECO:

20 Q. In the year 2007, what type of automobile did you
21 drive? Was it a truck?

22 A. I believe so, yes.

23 Q. Do you know?

1 A. I don't know what vehicle I had at that time.

2 Q. What vehicle do you have now?

3 A. 2000 pickup truck.

4 Q. A 2000?

5 A. Yes.

6 Q. When did you purchase it?

7 A. Six, seven years ago.

8 Q. So 2010 or '11?

9 A. Yes.

10 Q. What vehicle did you have before that?

11 A. An S10.

12 Q. What's an S10?

13 A. A small pickup truck.

14 Q. What color was it?

15 A. Black.

16 Q. What was the make of it?

17 A. I believe a Ford.

18 Q. Do you know what year it was?

19 A. No.

20 Q. And the 2000 pickup truck, what color was that?

21 A. Maroon.

22 Q. And is that a Ford also?

23 A. Yes.

1 Q. The 2000 Ford pickup truck that's maroon, is that
2 the only automobile you owned between 2010 or '11
3 and the present?

4 A. Before the S10, I had another Ford pickup truck.

5 Q. How long did you have the S10 for?

6 A. A year.

7 Q. And then what did you have before that?

8 A. I don't know the year, but another Ford pickup
9 truck.

10 Q. What color was that?

11 A. Green.

12 Q. How many years did you have that one?

13 A. Three, four years.

14 Q. Have you had the same license plate for all those
15 years?

16 A. I believe so.

17 Q. What is your license plate number?

18 A. Pardon?

19 Q. What is your license plate number?

20 A. I don't know.

21 Q. It's been the same all that time?

22 A. I believe so, yes.

23 Q. When you would go to Black Angus Meat, where

1 would you park?

2 A. In the parking lot.

3 Q. Would you park where the employees park or would
4 you park --

5 A. Wherever there was a spot.

6 Q. How about your father, what does your father
7 drive?

8 A. He just got a new vehicle, so I'm not sure.

9 Q. Let's go backwards. What vehicle did he have
10 before the new one?

11 A. He had a white, I believe, Chevy. Some type of
12 family vehicle.

13 Q. Did he have anything else?

14 A. That he drove?

15 Q. Yes, that he would drive to work.

16 A. A blue pickup truck.

17 Q. For how many years did he have the blue pickup
18 truck?

19 A. He's had that, say, thirty years.

20 Q. Three?

21 A. Thirty.

22 Q. Years?

23 A. Thirty.

1 Q. Three zero?

2 A. That's correct.

3 Q. What's the make of that truck?

4 A. It's a 1976 Ford.

5 Q. I want to buy that truck. 1976 Ford he's had for
6 thirty years. That's the truck he uses to go
7 back and forth to work?

8 A. No. That's a summer vehicle.

9 Q. What's his winter vehicle?

10 A. The one before that.

11 Q. The white Chevy family vehicle?

12 A. Yes. Expedition or something like that.

13 Q. How long has he had that?

14 A. I would say three years.

15 Q. How about before that, what did he use during the
16 winter? Did your father ever drive a light-blue
17 car?

18 A. Light-blue, yes.

19 Q. Was that his girlfriend's car, if you know?

20 A. It was her car. She passed away, so he took over
21 the vehicle.

22 Q. What kind of car was the light-blue car?

23 A. Same thing, like an Expedition.

1 Q. Do you know for how many years he drove that
2 vehicle?

3 A. I would say at least five.

4 Q. Do you know if that was during the years 2008, '9
5 and '10?

6 A. No, I don't.

7 Q. When you would go to Black Angus Meat, how would
8 you know if your dad was there?

9 A. He parked in the same spot.

10 Q. Okay. During the years of 2007, '8, '9 and '10,
11 during those years, do you recall if he had the
12 light-blue car that you said you believe was an
13 Expedition?

14 A. I would say the light-blue car.

15 Q. Do you know your father's license plate number?

16 A. No.

17 Q. Does he have a middle name?

18 A. His middle --

19 Q. Name.

20 A. Charles.

21 Q. What's your middle name?

22 A. I have two.

23 Q. Okay.

1 A. Thomas Andrew.

2 Q. Now, when you went to Black Angus Meat, did you
3 ever park anywhere other than in their parking
4 lot?

5 A. No.

6 MS. GRECO: I have no further questions.

7 MS. BAHAS: Okay.

8 MS. GRECO: Would you like to read and sign, which
9 means you get to read it and then if there's
10 something you think she typed inaccurately, you
11 can write it on an errata sheet and she will send
12 it to you, as opposed to saying it is what it is
13 and letting it go.

14 THE WITNESS: I'm fine with that.

15 MS. GRECO: Leaving it the way it is?

16 THE WITNESS: Correct.

17 MS. GRECO: So he does not want to read and sign. He
18 waives it.

19

20 * * * * *

21

22

23

1 STATE OF NEW YORK)

2 SS:

3 COUNTY OF ERIE)

4
5 I, Mary Ann Moretta, a Notary Public in and
6 for the State of New York, County of Erie, DO
7 HEREBY CERTIFY that the testimony of PATRICK
8 HOWELLS was taken down by me in a verbatim manner
9 by means of Machine Shorthand, on February 19,
10 2018. That the testimony was then reduced into
11 writing under my direction. That the testimony
12 was taken to be used in the above-entitled
13 action. That the said deponent, before
14 examination, was duly sworn by me to testify to
15 the truth, the whole truth and nothing but the
16 truth, relative to said action.

17 I further CERTIFY that the above-described
18 transcript constitutes a true and accurate and
19 complete transcript of the testimony.
20

21 -----
22 MARY ANN MORETTA,
23 Notary Public.

Patrick Howells

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